



MINUTES OF THE FINANCE COMMITTEE

TUESDAY, FEBRUARY 9, 2021, 4:30 PM

Virtual Meeting. Public may join via Zoom.

Immediately following Personnel

AMENDED

A. ZOOM MEETING INFORMATION.

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

B. ROLL CALL.

I. Members: Ald. Barbara Dorff, Ald. Veronica Corpus-Dax, Ald. Bill Galvin & Ald. Brian Johnson.

Present: Bill Galvin, Veronica Corpus-Dax, Barbara Dorff, Excused: Brian Johnson

Also present: Mayor Eric Genrich, Ald. Lynn Gerlach, Ald. Jesse Brunette, Ald. Craig Stevens, Ald. Mark Steuer, City Attorney Vanessa Chavez, Procurement Manager Calvin Winters, City Clerk Celestine Jeffreys, Finance Director Diana Ellenbecker, Assistant Finance Director Pam Manley and others.

C. APPROVAL OF THE AGENDA.

Moved by Ald. Bill Galvin, seconded by Ald. Veronica Corpus-Dax to approve. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax

D. APPROVAL OF MINUTES.

I. Approval of the Finance Committee minutes from the January 12, 2021 meeting.

Moved by Ald. Bill Galvin, seconded by Ald. Veronica Corpus-Dax to approve. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax

E. REGULAR BUSINESS.

1. Report out on purchase for Lights and Siren package for the sum of \$40,642.47 to SoundOff Signal. Vendor held GSA schedule pricing from 2020.

Moved by Ald. Bill Galvin, seconded by Ald. Veronica Corpus-Dax to recommend for approval by City Council. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax

2. For consideration with possible action the acceptance of the Center for Tech & Civic life grant extension for \$731,191 with an expiration of June 30, 2021.

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Bill Galvin to approve. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax

3. Discussion on status of litigation on the following Notices of Decision from the US Dept of the Interior regarding the intent to take land into trust: Kuffel, Bruss, Syndergaard, Kolb, Kelley, Howey, Duquaine, Cornelius, Kestell, Baumgart, Orlando, and Debenedetto parcels.

The Committee may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Committee 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.

Moved by Ald. Bill Galvin, seconded by Ald. Veronica Corpus-Dax to go into closed session to discuss Items 3 through 5 pursuant to Section 19.85(1)(g) and Section 19.85(e), Wis. Stats., at 5:05pm. Motion carried.

Ald. Bill Galvin read the closed session language.

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Bill Galvin to return to regular order of business at 7:36pm. Motion carried.

Moved by Ald. Bill Galvin, seconded by Ald. Veronica Corpus-Dax to receive and place on file. Motion carried.

4. Discussion with possible action on the Cooperative Governance Agreement and the Law Enforcement Response and Mutual Assistance Agreement between the Oneida Nation and the City of Green Bay.

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 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.

Moved by Ald. Bill Galvin, seconded by Ald. Veronica Corpus-Dax to approve. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax

5. Report of the Claims Committee.

The Committee may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Committee 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.

Moved by Ald. Bill Galvin, seconded by Ald. Veronica Corpus-Dax to receive and place on file.
Motion carried.

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax

Break taken from 7:37pm to 7:42pm.

6. For discussion with possible action on a request of City Council President Jesse Brunette to seek an outside Attorney Client Privilege(d) legal opinion for discernment on options to balance the incredibly important need for public disclosure and transparency with the need to protect the city against potential liability (referral from Protection and Policy Committee, January 25, 2021).

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Bill Galvin to receive and place on file.
Motion carried.

Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax

F. REPORT OF THE FINANCE DIRECTOR.

G. INFORMATIONAL.

1. 2021 Contingency Account:
\$150,000.00

2. The next Finance Committee meeting will be held on Tuesday February 23, 2021 at 4:30 PM.

H. ADJOURNMENT.

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Bill Galvin to adjourn. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Veronica Corpus-Dax

I. VERBATIM MINUTES.

- She's back at the other chair, you think she's back there?

- Yes

- I'm good to go.

- I would call the February 9th finance meeting to order. Roll call, Ald. Corpus-Dax. Ald. Galvin. Ald. Dorff is here and Ald. Johnson is excused. With us tonight we also have Ald. Gerlach, Ald. Steuer, Mayor Genrich, Ald. Genrich and Ald. Stevens. I don't think I missed anybody. Okay. I will entertain a motion for approval of the agenda.

- Motion to approve.

- Second.

- Motion to approve by Ald. Galvin, second by Ald. Corpus-Dax. All those in favor, say aye.

- Aye.

- Aye.

- Opposed nay. Motion carries. And for the approval of minutes.

- Motion to approve.

- Second.

- Motion by Ald. Galvin, second by Ald. Corpus-Dax. All those in favor, say aye.

- Aye.

- Aye.

- Opposed nay. Motion carries. All right. Regular business. Report out on purchase for lights and severance package for the sum of \$40,642 and 47 cents. Just sound off signal. Vendor held GSA schedule pricing from 2020. Does anyone on the committee have any questions on that or did you, did someone want to give us a report on it? It doesn't say to approve, is this an action item?

- This is our report out. This is Calvin from Purchasing.

- Okay.

- This is just a report out. We had to issue this, you know, with the vendor in order to get this in time with the new squad belt. So the timing is a little goofy. We just sent the purchase order over to them yesterday but we knew we wouldn't get the council approval. So this is nothing more than to report out to the finances at that expense.

- Okay. So what kind of motion do we need? To receive and place on file or?

- Yeah, I think that would be impossible. It's really, normally this would have been an action item to approve it. So I guess you put take action to say that the expense is okay. I don't know what recourse there would be if, but why don't we resend the appeal? Maybe an action item saying this is all state.

- Attorney Chavez. Is that okay with you? If it's not posted as an action item?

- Let me double check the agenda records. Give me one second.

- Okay.

- It's only a report out. We really can't take any action on it. I mean, we could refer to council for approval, but I, yeah, it's like the, yeah, I would say that we would recommend approval or recommend it before the council for approval. That's why it's clear that the action will be taken at that point.

- Okay. So we'll have to pull it then it council?

- It has to be full-day council.

- Okay. All right. So I'll entertain a motion to recommend it for approval. Okay. So moved by Bill Galvin. Ald. Galvin, second by Ald. Corpus-Dax. Any further discussion? All those in favor, say aye.

- Aye.

- Aye.

- That'll get moved to council for approval. Number two for consideration with possible action on the acceptance of the center for Tech Civic Life extension for \$731,191 with an expiration of June 30th, 2021. Is there anyone on staff that would like to comment on this? Or are there any questions from the council or from alders?

- The committal looks like it's pretty, pretty cut and dry.

- Celestine Jeffrey's. Yes, if I may, I'd like to make a few comments.

- Okay, go ahead.

- Thank you. Thank you. So I just wanted to, you know as we contemplate the acceptance of this extension of our grant I just want to recapitulate a few of our successes. Well, many of our successes from the previous grants. So, you know, we are very proud of the work that we did for the 2020 election. So that's the August primary and the November general. Let's remember that this is one of the highest turnout elections in decades. Even in the state of Wisconsin where we normally have a very high turnout. And we did this in the middle of a pandemic. A pandemic that is the result of an airborne communicable disease. And so this, once again, this is a lot of work that we can be proud of. I did actually during our grant period, communicate with alders. Some of the things that we were doing. I'd sent a few emails to you. Just updating you on our activities. But you know, there are a few adjectives that come to mind when I think about elections. And one of the few of those adjectives are

public, elections are public. Elections are, modern elections especially are inclusive and community focused and elections are safe. Now in the past safe elections meant something slightly different but for our pandemic world right now, it means a place where that elections are a place where people can vote and poll workers can vote and not have fear of contracting a communicable airborne disease. So we did apply to the Center for Tech and Civic Life. And we had three grant disbursements. One was a \$10,000 planning grant. The other was at I.I really rounding initial election grant and then a \$52,200 2nd grant. So some of the things that we did to, you know make those adjectives that I had described before, public, inclusive, community focused and safe, some of those things that we did to make those adjectives come to life. Well, first of all, we, in terms of our public facing, we had done some advertising which we had never done before. We didn't have dollars to do that. And this is really important to help people understand how to accurately and successfully complete their absentee ballot. We also moved our central count because while we have central count, we will continue to have central count here, especially for this election in city hall, given the number of ballots we had returned which were 33,000-34,000 absentee ballots, there was no way that we would be able to process those ballots and then allow observers in city hall. That was just not gonna happen. So we, through the grant, we were able to rent a very large space KI. We occupied an entire ballroom, and it made it open and safe and very effective for the workers as well as the observers. We also had a lot of signage to help advertise to the public, to help, we have Drop boxes to also just get ourselves out there, get those ballots back. We are using those signs and Drop boxes to this day. We have a Dropbox out in front of city hall the drive up one, and we also have two signs. We have feather flags that we purchased and we're using those today. In terms of inclusive and community focused, we had our voter materials for the very first time translates in three languages other than English. Spanish, Hmong, and Somali. We also had radio ads in Spanish. We worked with nonprofits to help connect their clients and residents to voter materials and registration. We employ a lot of high school students which I was really happy about. Use of my connections over at the school district and any of those high school students that we employ for poll workers spoke languages other than English. We also hired voter navigators to answer voters questions live. This is something that I had noted earlier in the year, that once again, we're in the middle of a pandemic. People are staying at home. They wanna vote absentee. They have no idea how to do that. So we had people who could answer those questions. And also the voter navigators helped in the clerk's office and its central council. They were really very invaluable. And then in order to make our elections safe and as I said in the past, safe has meant, safe elections has meant one thing. And, but for this election season, it really meant protecting people from the communicable disease. We purchased quite a lot of PPE for our poll workers. We are using that PPE to this day. The clerk's office packed up a lot of those things to be distributed to the polls. We have cough bars, we have N-95 masks. We have cleaning, we have cleaners, and we have regular sort of surgical disposable masks. We have gloves. And while the voters are not required to wear masks with the cleaning and the cough guards also help protect the voters from catching the disease. The other thing that helped make our elections safe was our ability, through the grant to pay a poll, pay poll workers a great wage, a really great wage. \$350 I think for a poll worker. And I think it was \$375 or \$394, chief inspector. And something else I think it was really wonderful is the way that our police department really stepped up to help do training for the poll workers. Because we had a lot of coworkers who were concerned about their safety and not just from the disease, but and also to have our police department construct a security plan for the polling locations as well as central count. So there were a lot of great things that happened out of receiving this grant and not only for the election and that is passed, but also for the future. So how does, how did receiving this money in the past help us today? Well, it improved our community outreach. Without doubt. We now have materials as brochures, webpages that we can basically crib from for the next decade, which is fabulous. We have equipment

that we didn't have before, ballot folders, accounting machine called DS-450, lift trucks which are fabulous, flags, the drop boxes, we even have a tent. We also had improved some of our processes by gaining some knowledge from election experts from around the country. And, you know, we are still in the middle of a pandemic and we now know how to conduct our elections safely and effectively while we're still experiencing this time, this pandemic time. And so, as I said, I think that the money that we had received from the grant was very, very helpful and very useful. I was very pleased to be able to apply to get an extension on the grant to use the remaining funds. We were approved for that. I believe it was last week. So we are coming to the finance committee for your approval to accept those grant dollars. The reason why we're coming to you is because that grant that you had approved had expired at the end of 2020 and you would need to approve the extension of the grant and the use of the grant dollars into the middle of 2021. Thanks so much for listening. I appreciate it. If you have questions, I'm here.

- Thank you Clerk Jeffreys. That was very good. That was a very good presentation. A very comprehensive explanation. And I really appreciate that. Are there any questions? Ald. Brunette?

- Yeah, thank you Chairperson. Celestine, the attorney, for the attorney. Are we, what's the status of the lawsuit? I think at some point we were sued in court for accepting the grant money. Is that fully resolved now?

- Yeah.

- Attorney Chavez. Yes. Sorry. Clerk Jeffreys. Yes. Attorney Chavez go ahead.

- Thank you. So yes, that lawsuit has been dismissed. I believe that we are waiting for the appeal deadline to pass and if it has not passed yet it's about to, essentially it was determined that there was no standing. And so the motion to dismiss was granted based on that fact.

- Thank you.

- And Ald. Brunette, it's actually Celestine, accent on first syllable.

- What did I say?

- You said Celestine.

- Celestine, I apologize.

- It's Celestine.

- Ms. Jeffreys, I apologize.

- Clerk Jeffreys works well too.

- That's easy.

- I was getting tongue tied for a minute, so I was trying to catch myself, so I apologize.

- No problem.
- Are there any other questions, about accepting the grant? Doesn't seem, there don't seem to be. Okay. So I would entertain a motion.
- Motion to approve.
- Second.
- Motion by Ald. Corpus-Dax, second by Ald. Galvin. All those in favor, say aye.
- Aye.
- Aye.
- Opposed nay. Motion carries.
- Thank you so much Clerk Jeffreys.
- Thank you Alder.
- Now the next is number three. The status discussion on status of litigation on the following notices of decision from the US Department of the Interior regarding the intent to take land into trust, Kuffel, Bruss, Syndergaard, Kolb, Kelley, Howey, Duquaine, Cornelius, Kestell, Baumgart, Orlando, and DeBenedetto parcels. Is this something that we need to go into closed sessions for, Attorney Chavez?
- My recommendation would actually need to take up both items three and four in closed session at the same time. And then we deal with them separately when we come back out.
- That would make quite a bit of sense. So do I have a motion to move into closed session for items three and four?
- Motion to move in closed session.
- Second by Ald. Galvin and Ald. Corpus-Dax.
- If you wanted to do closed session all at once, we could do that, including for the claims committee. If anybody has questions on that one otherwise we could come back out and go back in.
- Oh, okay. Why don't we just do three, four and five then? Ald. Gavin, you wanna make that motion again?
- Yep. Sure made.
- All right. So we are voting on going into closed session for four and five. Do you want to read the language or do we do that after we got...

- You read the language first.
- Read the language. I was right. Okay. Ald. Galvin.
- The committee may convene in closed session pursuant to section 19.85 sub one sub G Wisconsin statutes for the purpose of conferring with legal counsel for the government body whose oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The committee will thereafter reconvene an open session pursuant to section 19.85 sub two Wisconsin statutes to take action on items discussed in closed session. If appropriate to consider the remainder of the agenda.
- And what is that, just noting that section 19.85 I E would apply to the Cub cooperative governments and Greek government agreement and the mutual assistance agreement as well.
- Do you want him to say that?
- No. As long as it's noted on the record, that's okay.
- Okay. It's on the record then. All right. All those in favor of going into closed session, say aye.
- Aye.
- Aye.
- Opposed? Motion carries. Okay. We'll go into closed session. We'll wait till we... Ald. Galvin. Ald. Corpus-Dax. Ald. Dorff.
- Thank you.
- The recording has begun.
- Pam, are you ready to, are you able to record again?
- Yes. Yes.
- Okay. And we have nobody in the waiting room so I don't have to admit anyone new. They've all left.
- Shocker.
- Motion to go back and open session.
- Second.
- Any discussion? All those in favor, say aye.
- Aye.

- Aye.
- Opposed? Motion carries.
- All right. Item number three. I'd like to make a motion to receive and place on file.
- Is there a second?
- Second.
- Okay. Discussion? All those in favor, say aye.
- Aye.
- Aye.
- Motion carries. Item four.
- I'd like to make a motion that.
- Okay. Is there a second?
- Second.
- Second. Any further discussion? All those in favor, say aye.
- Aye.
- Aye.
- Can I clarify, what was the motion? I didn't hear that part.
- To approve.
- To approve.
- Thank you. I didn't hear it. Thank you.
- Okay. And item number five reported the claims.
- Okay, go ahead.
- Motion to receive a place on file.
- Is there a second?
- Second. Okay. All those in favor, say aye.

- Aye.

- Aye.

- Aye.

- Opposed? Motion carries. Okay. I really hate to do this but can we please just have a two minute break?

- Sure.

- Aren't we done in like two minutes?

- No, we have this discussion. This is going to be a lunch, right? Yes. Yeah. I think it's gonna be kind of long. So I mean, let's come back. Let's try to get back here as fast as you can. 7:40 maybe. Okay. Everybody's not back. But everyone was quick, which is good. We got to wait for our Diana and The City of Green Bay to get back.

- I'm here.

- Oh, The City of Green Bay is here. Good. That would just be Pam.

- Diana? Eric? All right. Can we begin? Should we wait for Eric? Otherwise, everybody else is here. Should we begin? I can't hear you Diana 'cause you're muted while you're talking though.

- So Pam had paused our recording. So Pam, are we ready to go back?

- Yes, we're good.

- We're good. All right. Okay. Let's go back into regular. I don't know. We didn't take a motion to have a break but we had just had a break. Okay. So now we're going to talk about number six for discussion with possible action and the request of city council president Jesse Brunette to seek an outside attorney client privileged legal opinion for discernment on options to balance the incredibly important need for public disclosure and transparency within need to protect the city against potential liability referral from protection policy committee, January 25th, 2021. And I think the attachments are just that for communication. Okay. Okay. Ald. Brunette, would you like to speak on this?

- We just had a perfect list a concern in closed session where sometimes our need to be transparent to the public is for me incredibly important. But yet I know as it was stated earlier as a fiduciary of the city, I have to do what's in the interest of the city and to protect the city from any liability. So from time to time, I think if you've been in office long enough, you know that there are certain times where you maybe you don't completely agree or understand advice given by city staff in this case, the attorney's office. So I'm trying to be careful with my words because I don't want to imply that the information that they provided was faulty but there are certain things that I not completely satisfied with. So in our roles as city council members I guess I would like to have some clarification on when those situations arise how can we get illegal opinion from someone outside city hall and under what circumstances and what's appropriate? So hoping my words don't get taken out of context. It's just

something that I would like this committee to discuss. And as a policy, do we have a policy in place for me to pursue that outside opinion?

- Like on your own?

- Well, my role and my official role as a city council person or my personal self, both. Probably as a council member, you know, 'cause that's my job.

- I guess in the past my experience and it's only going on six years and prior to you being on the council with me, Jesse whenever an alder or a group of alders wanted an outside opinion, it was something that went into closed session. The discussion of whether to get outside legal aid or not so that everyone could bare their chest, so to speak and put their cards on the table so we can make an informed decision. I mean, I have a hard time making a decision without information, without knowing. I suspect that what you were thinking but we haven't really discussed it. So I still don't know really what you were thinking. And for me to say, "Yeah, go ahead and do it," I guess it wouldn't be ethical in my mind for me to do that. It wouldn't be right. Just the same thing if I asked you to, for, you know, to put up money and I didn't tell you why. I mean, you maybe you'd wanna trust me based on past experience in that, but you have to answer to the people that elected you. And so how do you justify that at the time? It's, you can't? So I don't know if there's a rule or anything but I would say in the future, I see if you could or any alder could manage to get it into a closed session so that he can discuss what's going on but...

- I would request that it go into closed session. I requested that the language beyond and then I think that got denied. And I don't know because I'm not sure why but Attorney Chavez maybe, you know why, but I did want us to have an open discussion. So I asked for closed session language but maybe it isn't legal to have closed session language.

- So the communication is five for closed sessions. I had to plug in and my cord's not long enough. The communication did not qualify for closed session. It doesn't address anything that is specific to the agenda item, which would either be subject to privilege or any kind of negotiation. It's not that judicial. So they're just no exception that applies level allows to go into closed session. It has to be specific to something in front of the body in order for us to go. But the communication was put in place, basically asked for a legal opinion on options to bounce the need for public disclosure versus the need to protect the city against potential liability. That's really a policy decision. And because that's a policy decision, that's not something that will qualify for close session. What I can tell you is that the, as far as that goes like valid things that the disclosure versus you know, protection of against liability, this council always has the right to waive attorney-client privilege. It's just that a vote has to actually be taken before that can be done. Now, as far as specific instances, like if there's a request to get outside counsel, then we have to actually, you know, address that specific one. The council can always hire outside counsel. If it agrees to do that, the otherwise everything runs through the law department as a city attorney my department is tasked with providing all of, or conducting all the legal businesses in the city. We're the only department that's authorized to provide any legal advice to the city and its representatives unless the council agrees to hire outside counsel for specific limited items.

- I guess and it kind of goes in with what I was saying. I mean, pros to make decisions on that. And I imagine there are circumstances where the council would be justified in hiring outside counsel. I've yet to see that. I know some people feel sometimes the city attorneys are too close to the other

employees of city hall. But my experience is that they've always been representing the needs of the people rather than the needs of the employees. And that's, I think that's who they represent, that's who they were hired to represent. And I think the advice they give us is honest. They're not holding anything back. And, you know, I've had a lot of legal opinions from the city attorney's office during my career. And since as an alder and I've never found that wanting. So I think it would have to be some extraordinary circumstances that justify hiring outside counsel. I can certainly see that happening though. I mean, you can never say never, but I think for us to do so, we have to be able to hear what the issue is so that we can make a decision. And however we go about doing that then I think that's how, what we have to do.

- If I'm understanding this correctly at any time we can seek outside counsel, however, the committee or the council as a whole has to agree to do so. Not unanimously, but the majority of the council has to agree if we wanna do if we wanna seek outside counsel, and we have a right to do that at any time.

- Right.

- And then even further than for us to hear what it's about then can we go into closed session? How it was framed here. It's just like, it's kind of an open-ended question, a policy question. But it say if there was a specific issue that a person wanted to discuss then could we ever talk about it? How do we make our decision whether to hire outside counsel if we don't know what they're talking about?

- Right. 'Cause I certainly understand Alder Brunette's consternation over this. 'Cause he felt something needed to be looked into. He obviously he didn't want to say anything publicly that would cause problems that maybe weren't there. So yeah. How do we go about doing that if we really think something needs to be looked at?

- Yeah. From what I understand, the council has to vote to waive attorney client privilege. That's a vote of the council. So again, I'm careful with my words no one takes this out of context, please. It's just hypothetically scenario is that if we're ever in a situation where a minority of the council, one, two, maybe three, but in my case say one person's very uncomfortable with things going on within the city, and that may include the city council or the mayor's office or whoever. I mean, then I have to go in this case, me not that this is the case. Again, I want to be clear on that, but I would have to go to the very council to get permission to get the legal opinion when I'm trying to get the legal opinion about the council. You see what I mean? We need to find a policy so that any time in city government, whether it be a city employee a city council member, whoever, if they see something that's just not quite right with them that they go, they have an avenue to get it addressed. And if that means getting a legal opinion outside of city hall, that might be a good thing to do to protect good ethical functioning government. You see what I mean?

- Right. But I guess my concern is why would you discount the opinion of our city attorneys who were hired to represent the best interests of the city?

- Right. There are circumstances where if I'm the table organization, they were hypothetically to report to a certain person. Then we have to be, it's kind of like I said this the other day, if you had a car that needed significant repair and three mechanics at one garage quoted you, you would not, if you're not satisfied with the answers, you will go to another garage as independent or...

- Right.

- You know what I'm saying?

- Right. But the thing is, using your same scenario if three city attorneys are our paid mechanics, we will even go to them for an opinion. We'd take our car in there and say, "I think there's something wrong with my car." They look at the car, they look it over. They say, "There's nothing wrong with your car. There's nothing that needs to be repaired." If you feel that that's incorrect and you want to take it to another mechanic, then I think that's on your dime. Unless you can somehow show that their opinion is incorrect. And I've heard in the past with the former mayor there was some concern that because the attorney's office is technically right adjacent to the mayor's office, they felt that for some reason the city attorneys were beholden to the mayor. And obviously I think that was born out that that's not true that the city attorneys represented the best interests of the city, not the mayor and not the alders but the best interests of every citizen within this community. And that's why I think...

- I think Attorney Chavez, she shook her head. So we better listen.

- Sure, go ahead.

- The attorney's office represents the city as an organization. That is the only entity that we are authorized to represent. Now everybody that is a part of this call is a representative. So long as the interest of the city and that individual person align, we represent everybody. When that person's interests are no longer aligned with the city, that person does not get represented by the city council or by the city attorney's office. So whenever we have an instance, for example where like with the ethics ordinances, so those violations, those are not represented. We do not provide any kind of representation for them because they're not aligned with it. In that case the interest are aligned with the ethics board. And so that is one important distinction is we represent the city itself and that represented that the city's actions are established by the city council. And then we fulfill those. But you know, the other thing to keep in mind is we take an oath of office. Both when we take the bar exam and then also when we take our position here and in that we agree to provide accurate and responsible legal advice. So when we are asked questions, you know, we're looking at it from the perspective of the organization, just as all of you should be as well. And the important thing about that is that whenever we are making determinations that are especially from our departments that affect the city itself that is what we have to focus on it from. That is the perspective we're looking at it from. Now, somebody disagrees with it, there's really not a basis for it at least from a legal perspective because the reason you're getting legal advice is because you're a representative of the organization. The other thing too is, I know you said that at one point if you disagree with the information you're getting it should be on your dime. That is not true. So one, if you disagree with the information that's provided, we're the attorneys and we're the ones who are providing that advice. Unless the council decides that this is not the advice we're going to take. We would like to seek an alternate. An alternate opinion that is the opinion that stands. And that is the opinion that you're relying on. And that is the reason that you guys are able to do stuff with having counsel what it is because we're taking on that responsibility for you. And you're relying on our advice. And we, as long as you're acting in good faith on our life, you guys don't have any liability in the event that we're wrong. But that doesn't mean that we get to shop for opinions just because we disagree with somebody. There's a reason. But by statute, we are established as one to provide legal advice. We are the only ones authorized to represent the city. And the only way to get around it is for the council to actually agree to have something looked at. So this has come up a number of times where

people have disagreed with something that we have opined on and felt like they wanted to go get an outside opinion. There is no basis for it. And in fact it would be improper to go seek outside opinions on it because we're the only ones who are able to provide an opinion to the council. Unless you guys just to hire somebody outside of us.

- Okay.

- I'm sorry.

- Then, so here again, I just want to circle back to the main point is that it's not so much that I disagreed with everything. It's just that there's this balance act that we have. We just saw it a little bit ago. That me being a public official, I want to be as incredibly transparent as possible while also protecting the city. And so for me, if I had to make an error one direction I'd rather error in informing the public, but I know that that could be harmful, especially if there's litigation or negotiations. See? So I guess the question is, what could I say the public if attorney's office is saying, you can say this or you can't say that perhaps that's what I'm really disagreeing with. So I just want to circle back. So she answered the questions well. I think it's an important discussion for us to have for good government. We got to have these discussions from time to time and I don't wanna their perception of form that I'm in any way, discrediting them as individuals or their oaths of office. That's not what this is about. It's just me as a public official, trying to balance public disclosure versus protecting the city. That's all.

- Jesse, I'm sorry. What do you want us to do with this? Is this going to be on the same agenda as some other huge things, unless we receive and place on file tonight for future, what are your wishes?

- For now a simple receiving and place on file. I could probably be a little more targeted with some of my questions to the city attorney's office and I'll deal with it at a staff level.

- Sounds like a good plan to me. All right. Do I, is there a motion? Is there any further discussion? Do I hear a motion?

- Motion to receive and place on file.

- Seconded by Ald. Galvin. All those in favor, say aye.

- Aye.

- Opposed? Motion carries. All right. Report of the finance director. Do you have a report?

- I do not. The reason why we added it this time is 'cause one of these item that we thought we were just to report out and then we decided to edit as an action item. So I do not have a report.

- You don't have to make anything up. I mean, it's fine.

- I don't think she's making it up.

- It's okay. We don't need another report. We're good. We're good. So the contingency account is at \$150,000 and the next finance committee meeting will be held on Tuesday, February 23rd at 4:30. And I'll entertain a motion for a German.

- Second.

- All those in favor, say aye.

- Aye.

- Opposed? Motion carries. See you guys.

- Good night.

- Thanks.