

MINUTES
ADVISORY COMMITTEE
Monday, August 31, 2009
City Hall, Room 604
6:30 p.m.

Members Present: Council President Chris Wery, Ald. John VanderLeest, Ald. Celestine Jeffreys, Ald. Jerry Wiezbiskie, Ald. Andy Nicholson

Members excused: Council Vice President Tom DeWane, Ald. Tom Weber

Others Present: Ald. Guy Zima, Ald. Dan Piton, Ald. Amy Kocha, Scott Matejov, Chad Weininger, Atty. Kail Decker, Jason Wied, of the Green Bay Packers, Pat Webb and Greg Kuehl of the Stadium District Board, members of the media.

1. Call to order.

The meeting was called to order at 6:40 p.m. by Ald. John VanderLeest. He indicated that Ald. Tom Weber and Ald. Tom DeWane were excused and Council Chairman Chris Wery would be arriving a little late.

2. Approval of the agenda.

Motion made by Ald. Nicholson, second by Ald. Jeffreys to approve the agenda. Motion carried.

3. Approval of the minutes of the June 1, 2009 Advisory Committee meeting.

Motion made by Ald. Nicholson, second by Ald. Wiezbiskie to approve the minutes of the June 1, 2009 meeting. Motion carried.

5. Update on RTA.

Transit Director Chris Phelps thanked the Committee for inviting him back, stating that this is his third time here to talk about RTA's. A copy of a power point presentation was distributed. He indicated that he was here during the budget process to bring them up to speed on seeking approval of a resolution in support of a Regional Transit Authority. He stated that he would be giving a presentation that he has given to a meeting of elected officials throughout our service area about three weeks ago to update everyone on where they are with this process. He said since the budget was passed and approved, there were a number of RTA's created in the state, mainly in Eau Claire and in Dane County. When the legislature goes back into session in September RTA's will be back on their agenda notably for areas in the Fox Cities and Milwaukee County. Mr. Phelps said in spring some of the elected officials in Madison that they weren't hearing from the community that this was an important issue and thus they hosted a meeting with elected officials to share where they are. He indicated that they are basically asking for the committee's support for a resolution that could be found in the back of the packet. The presentation has been presented to and approved by the Village of Ashwaubenon, Bellevue and City of DePere and will be presented to Allouez and Wrightstown and possibly the County. He stated that

the resolution was developed from feedback from the meeting with elected officials and the Chamber of Commerce.

The power point was presented with main points as follows:

Definition of an RTA, Green Bay Metro Service Area includes Ashwaubenon, Allouez, Bellevue, Green Bay and De Pere. Metro is funded partly through Federal Operating Assistance last year about \$2.4 million, \$2.6 million this year, with formula funding based on population, population density and revenue miles of service. He stated that with the census next year our urbanized area is expected to exceed 200,000 and when that happens we will lose our Federal Operating Assistance. Mr. Phelps explained the various tiers that comprise the Federal Transit funding for Wisconsin and said we are in Tier B with population between 50,000 and 200,000 and are eligible for operating assistance until we exceed the 200,000 population. Based on conversations with Wis. DOT, he estimates that once we lose the operating assistance, the state will equalize the funding throughout Tier B and we expect that the net result will be a net reduction of \$550,000 in funding from state and federal. He said the best case scenario is that we lose \$550,000; worst case is we lose entire operating assistance.

Mr. Phelps reviewed the makeup of Metro's budget which is comprised of Federal and State Operating Assistance, local dollars from participating municipalities, fare box revenue, advertising and interest revenue, 30% of their budget is federal combined with state operating assistance at 27%, which make up 57% combined. He stated that the City has contracts with participating municipalities and their rate is based on a proportionate level based on how many route miles they go into each city. Mr. Phelps stated that if we lose federal dollars local municipalities would need to make up 59% of that budget, which, given our current funding agreements would not be possible. He reviewed the Transit /System Flexibility Protection Act of 2007 at the Federal level, which is the 100 bus issue where funding is not based on population estimate but on a level of service estimate, which is 100 buses or less. He stated that at our peak service we have 32 pieces of equipment. The debate in Congress at this time is what level of operating assistance we would receive and said it could be a sliding scale from nothing up to 50% of your operating assistance. He stated that we are asking for authorizing legislation that would allow for the creation, operation and dissolution of RTA's. He said we raised fares and cut service January 5th of this year. Mr. Phelps discussed the need for regionalization stating that our system is based on travel patterns that used to bring people from the suburbs into the downtown area and said the destination areas have changed a lot and our system is based on an old way of doing things. He said Transit can't get to some outlying schools and employment centers based on their funding agreements right now and need to find a way to regionalize our service to benefit all citizens in our service area.

Mr. Phelps reviewed the resolution stating that it is not a commitment or an obligation but is asking legislature for permission to decide what we want to do locally. It calls for a referendum process so there will be a public referendum no matter what we decide to do locally and asks for creation of an RTA. Ald. VanderLeest stated that there is no discussion about sales tax which Mr. Phelps said the resolution does not address how to fund an RTA, simply asks for the

creation of one and said sales tax is one tool in the toolbox that municipalities could use for funding and said this would be voted on in a referendum. Ald. VanderLeest referred to the Protection Act of 2007 and asked if another resolution could be brought forward to support this Act? He stated that he is not supportive of a sales tax and inquired if Mr. Phelps could research a County system or other opportunities. Mr. Phelps said circulating a second resolution for the federal issue was discussed at the meeting with elected officials and said they will be bringing that forward but said the timing was to get the local municipalities because the Assembly will be coming back into session.

Motion made by Ald. Vander Leest, second by Ald. Jeffreys to support a Resolution to endorse the Transit Protection Act of 2007. Motion carried with Ald. Nicholson voting No.

Discussion: Ald. Zima confirmed that if this Act is passed, we could continue operating the way we are? C. Phelps said this is up for debate right now in Congress but said it's moving in the right direction.

Motion made by Ald. Jeffreys, second by Ald. Wiezbiskie to forward the Draft Resolution Supporting the Formation of the Greater Green Bay Regional Transit Authority to the full Council.

Ald. VanderLeest stated he feels we are headed in the direction of a local sales tax and is not supporting this resolution. Ald. Piton asked where the County is at researching a County run plan? Ald. VanderLeest responded that it has been discussed in the past but no research has been done on it to his knowledge. Ald. Zima expressed concern about a Regional Transit Authority being an autonomous entity, which he said means another taxing entity. He questioned the potential of losing \$500,000 or more assuming that is a cost without any reductions in our costs or increases in revenues. He suggested looking at our most used routes to increase revenues and looking for alternatives ways to get people where they need to go without forming a Regional Authority. He expressed concern about another separate taxing authority who won't be answerable to the public citing NWTC, water bills, sewer bills etc. and said the public has very remote input over those budgets. Ald. Zima said when they don't have to answer to anybody, his thought is that they don't have the same worry about what the costs are. He would like us to research any method possible to stay within our budget and feels it's just tax shifting, adding that it might take the Transit budget out of the city budget but said in the long term somebody has to pay for it. He feels it's not saving and not really addressing the problem, adding that he would rather absorb the cost and keep control. He said Mr. Phelps' presentation does not address money and stated that he is offended by that.

C. Phelps said the Transit System Flexibility Protection Act of 2007 is an issue he has been working on since 1996 and this is the type of movement we are seeing. He stated that the presentation was designed to show that we are at a crossroads and based on our current funding agreements we are not able to provide meaningful services throughout the community. The presentation was also given to highlight the need for a new way of doing something and not flush out the details on who serves and what serves and how we're going to fund it. He indicated that the resolution was drafted for municipalities to highlight the

need to do something differently; it doesn't create anything; it doesn't approve anything and it doesn't make anything. He said our growth has shifted to other areas and we can't get there. Last year we had a spike in ridership but also saw \$4 a gallon for gasoline. He said today we announced a realigning of the routes for the first time in 14 years. Mr. Phelps said currently a student at St. Norbert College has an hour and a half bus ride to get to Prevea Clinic on Ramada Way.

Ald. Wery inquired if there is anything to prevent RTA Board members to be made up of elected officials? Mr. Phelps responded that this is a bylaws issue and each municipality who participates has to agree on this. He stated that the resolution outlines a two-step process: 1) do you want to create the Greater Green Bay Regional Transit Authority? 2) how do you want to fund that authority? He summed up by stating that we are asking for the ability to decide what to do locally. Ald. Zima said we have to examine the consequences of what an RTA will have on us to decide if we want to create one and said the more regional something gets, the less control we have over them and again stated that he is really worried about another new tax in the community. He inquired if it's possible to set up our Transit Authority in a different manner and make the Authority strictly the City of Green Bay and people would contract with us to provide services to their community so that the home base is just the city of Green Bay so we can manage to keep under 200,000. Mr. Phelps responded that how the urbanized area is determined happens at the federal level and is determined by Congress and said we service 80% of the urbanized area. He said after the census is completed next year it will take 18-24 months for the process to be finalized and that's when the fallout hits us.

Ald. Wiezbiskie stated that we are getting away from the agenda discussing the cost of an RTA and are here to try to take advantage of what is available to us through the resolution. Motion made by Ald. Jeffreys, second by Ald. Vander Leest to open the floor to allow interested parties to speak. Motion carried.

Brad Sauer from Green Bay Metro who lives in DePere addressed the committee stating that the issue here is to open up a doorway in case we lose the federal funding. He stated that he would not want Green Bay to be in a position in 2012 or 2013 where we lose our federal funding and this possible way to fund it has been closed because Green Bay did not wish to be part of a regional RTA. He said Transit did a massive shift in routes which hasn't been done for 15 years and he's heard positive things from the changes and are pleased they can now get to Sybil Hopp and Walmart in DePere. He urges support of the Committee in passing this resolution on to the Council and said surrounding states have passed legislation to allow cities to create regional transit authorities, which gives them the option to do so.

Karen Mason, 1603 Windsor Drive, stated that she and her mother take the bus and are at poverty level. She indicated that they were so happy to be able to get to Target and places in Bellevue and now that's been taken away from them. She said their only alternative is to take a cab, which they can't afford and said the citizens were willing to pay additional taxes for Lambeau Field and asked why we can't put taxes in for a transit system that people depend on everyday and said we don't have a subway system here.

Jamie Straubel, 2362 Manitowoc Road stated that he began using the bus last year when he lost his job and vehicle. He indicated that he has not been hired for jobs because he is limited on weekends and cannot work Saturdays or Sundays and would like to see longer service on Saturday and service on Sunday. He said if creating an RTA would help to get longer service on weekends, he would support that.

Motion made by Ald. Wiezbiskie, second by Ald. Nicholson to return to regular order of business. Motion carried. Ald. Wery stated that he has been the Council rep on the Transit Commission the past 5½ years and said an RTA has been discussed for three years and feels this is something we need to look at. He said we are looking at a \$1.8 million hole in the city budget and said he can't imagine putting this negative number in the budget. He feels we need to pass this on and then look at how we're going to fund it. Ald. Zima said many years ago there was an attempt to get rid of transit and it was voted down 3 to 1 in a referendum to keep it because there are people who need it and feels the community supports it. He again said talking about creating an RTA without talking about the implications is wrong and said it will come in some form of taxes and wishes to hear what safeguards we are going to put in place to prevent that from happening. Ald. Wery said it may be helpful to have a county leader who is a supervisor to put that forward.

A vote was taken on the motion to support sending the Resolution Supporting the Formation of the Greater Green Bay Regional Transit Authority on to the Council. Motion carried with Ald. Vander Leest and Ald. Nicholson voting No.

Ald. VanderLeest motioned, second by Ald. Nicholson to direct Transit staff to investigate and report on how a county run system would be run and funded. Mr. Phelps stated that he can look into it but said the funding is still going to come through the Feds. Motion carried with Ald. Wiezbiskie voting No and Ald. Jeffreys not voting.

4. Request by Ald. Wery for a report by the Stadium District Board and Green Bay Packers regarding the use of Lambeau Field for large-scale events as promised to the citizens of Green Bay.

Motion made by Ald. Wiezbiskie, second by Ald. Jeffreys to hold this item until Ald. Wery arrives. Motion carried.

Ald. Wery stated that he brought this forward because he thought the public expected more events to be held at Lambeau. Pat Webb, Executive Director of the Stadium District Board distributed two handouts, one summarizing the *Green Bay Press-Gazette* articles outlining the history of when this was being passed and said the expectation was that more events would be held at Lambeau Field. He stated that they agree that there should be larger scale events to be held there and said it's not without some effort that they've tried to do it. He reviewed some key lease provisions regarding having special events at the stadium. He said the reality is that all parties, the City, the Packers and Stadium Dist. Board need to be on board for an event to be held there. He said the only time the field is available is the month of June, to schedule something. The District Board and the City have the right to schedule one event per month during the off season and have scheduling priority from February 1 through May 15. The team has

scheduling priority from May 16 through June 30. (A detailed list of provisions is attached to these minutes). Mr. Webb reviewed events that have been held at Lambeau and said finding an event that fits within the confines of the city's contract with the Packers is difficult and said the months that the stadium is available for outside events, February through June are not conducive to outdoor events. He stated that protecting the playing surface is the No. 1 priority. He reviewed events they have done like Snocross and Leap of Faith, Frozen Tundra Hockey Classic and upcoming LZ Lambeau. He indicated they have made a bid for college football and checked into college ice hockey, International Hockey, College Lacrosse and Drum Corps International, but those didn't work out partly because the field is too small for some events and stated that some major concerts require a six or seven figure up front guarantee, which the District doesn't have at its disposal.

Mr. Webb said they are currently looking at a floor covering to cover the playing field to be able to hold concerts and said they will try this covering on the practice field first. He reviewed the event impediments which included: concerns with the playing field, dates not favorable, concessions revenue flows to Packers, sponsorship conflicts, no risk capital in the District, club seats and skyboxes excluded from use for events, expensive for smaller events to be held, among others. Jason Wied, VP of Administration for the Green Bay Packers stated that the concert business had dropped in stadium settings and said many of the big ones demand \$2 or \$3 million guarantees no matter how many tickets are sold. He reviewed the number of events that have been held at Lambeau in the Atrium and other amenities which totals between 500 and 800 a year and said 70 percent of those visitors come from outside Green Bay. He said the Packers try to support any effort to bring people to the city and said the team sees itself as an economic catalyst for the area. He indicated they have been studying things like removing the glass from skyboxes and getting a new sound system. Mr. Webb said most concert promoters want a piece of the 10% ticket tax that they have on concert tickets. He said the most important thing the Packers can do is win, citing the two playoff games in 2008 that were held and the economic benefit.

Mr. Webb said they are looking at retiring the debt in 2011 and repealing the sales tax by 2015, adding that it is necessary to continue the sales tax for a few years to build up a maintenance fund. Ald. Vander Leest said he is supportive of the Packers and Lambeau being an economic tool and would like to see college football here, possible partnership with the Badgers. He suggested a 3-4 day event and the possibility of holding a country music event. Ald. Wery thanked Mr. Webb and Mr. Wied for their update and offered help from the city or the Economic Development Department. Mr. Webb and Mr. Wied said they would be happy to come back periodically and give updates.

Motion made by Ald. Nicholson, second by Ald. Vander Leest to receive and place on file. Motion carried.

6. Request by Ald. Wery to restore the position of Council Assistant by shifting the Mayor's Assistant/Grant Writer back under the City Council.

Motion made by Ald. VanderLeest, second by Ald. Nicholson to approve.

Discussion: Ald. Wery stated that he brought this forward because it was his understanding that Andre Jacque was moving over to Transit. Scott Matejov said there was some discussion about Andre moving to Transit to assist with the RTA but said there is no current plan for him to move over there. Ald. Wery stated that in the past there was a half time assistant to the City Council, Dave Nennig and Grant Staszak, who would be the Council's eyes and ears at City Hall. Scott reviewed the duties of Andre's position which included media advisories, press releases, assisting with grant writing which has brought millions of dollars into the city, helps coordinate and assist with special events and more importantly the position is tailored more toward constituent services and said Council members reach out to that position for constituent inquiries. Ald. Wery stated the position could be grant writer/Council assistant from the sound of it. Ald. VanderLeest said the Mayor has 2.5 full time positions and said previous councils did have an assistant and feels this position should be formally put under the City Council. He stated that helping constituents is mostly what Council does. S. Matejov said he agrees and said it could be written into the job description and said they enjoy the relationship they have with Council and if there were any sort of questions or concerns with people not receiving a response, we would want to address that. He said from a budget standpoint and functionality, it helps the Mayor's Office and said we want to be there for Council and said if it's the separation they're looking for, he couldn't speak to that but said on a day-to-day basis the position is there to assist the Mayor and Council and with the limited resources we have, we feel it's working pretty well.

Ald. Wiezbiskie stated that he thought the position was there to help Council and said he has been using him as an assistant and Andre covered his phone calls when he was on vacation and has gone out to assist with constituent issues. He said he relies on both Andre and Scott when the Mayor is not available. Ald. Jeffreys inquired how they envision a person in this position helping Council in a way that they are not helping now? Ald. Wery responded that it's not so much that the tasks would be different, but the reporting would be different and said right now that position reports to the Mayor, not to the Council and they could report to the Advisory Committee. He said if you need some work done or some information from City Hall, Council would have someone here, and said department heads are here but they report to someone else. Scott said they all feel that they report to the Council as well and hopes that they all recognize that and would receive response to a phone call or email. Ald. Wery said why not have this position under Council since it sounds like they are working on constituent issues much of the time? Scott responded that it's broader than that with a communication aspect in assisting with media and event coordination and said it's a city of 100,000 people and 12 council members and said the Mayor cannot be at all places at one time and Andre and he frequently attend functions that the Mayor cannot and Andre helps out with the Sustainable Task Force. He suggested that before they make a decision, they take a broader look and study the functionality of the office, the duties of both positions and how they can better assist Council, without having to take this out of the budget.

Ald. VanderLeest said it's not a budget item but to have the position report to the Council President or Advisory Committee, as the County does. The Mayor believes that Council now can contact anyone for a project Council wants done,

there are not complaints with it and would like to know if there is a specific reason why Council wants to go in a different direction. Ald. VanderLeest stated that they want some independence from the Mayor's Office, adding that he was elected to represent his constituents, not the Mayor and said the Mayor's Office may not agree on every issue or concept with constituents and they want someone who will represent the Council. He feels the job description should be changed and define who the position would report to. Ald. Zima commended Ald. Wery for taking this initiative and said this is an attempt to give the Council members a tool that can be useful to them and said historically Council had a position to assist with research or problems they had. He said at some point, they may want to put a job description to that position and said when a Council is basically toothless, no secretary, no funds and no employees, it's hard for them to be a proper check and balance. He agrees that they should support this idea and put a job description to it. He indicated that he felt comfortable using Dave Nennig in the past and suggested locating this position in the Clerks Office or somewhere other than the Mayor's Office and said they will need someone who has the skills to help Council and said he has not utilized Andre as Ald. Wiezbiskie has.

Ald. Piton stated he is curious about how this will be presented to Council, hash out job description now? Ald. Wery stated that Human Resources would need to draw up a job description. Ald. Piton asked if the budget would shift? Chad Weininger responded that if a half position would be a line item shift under the Council, it would increase the Council budget and decrease the Mayor's. He recommended talking with HR to talk through the issues of budget and job description and iron those things out before presenting to Council, possibly bringing it back to Advisory. Ald. Piton stated that he has not made up his mind on this issue. Ald. Kocha expressed concern with putting HR through the work before they agree that the concept is valid. She is not totally clear on the budget impact and inquired if the Mayor's Office would be willing to give up a half time position, and work with less? She inquired about the position at Transit, asking if this is a position that has been budgeted for but remained vacant and expressed concern that despite this Council's vote that we're not hiring new people these things keep creeping u. Ald. Wery said he believes there is a vacant position. C. Weininger stated that there is a position that will work with marketing, legislative, paratransit and the RTA issue.

Ald. Zima said the Council position has been usurped from the Council and the discussion should be what is the job description going to be, what is that position going to serve? He said we're not adding or deleting and the idea is to make sure the Council position is reinstated and said it got absorbed by the Mayor's Office and he doesn't remember voting on this. Ald. Kocha said if we don't have the Mayor's Office agree to let this half position go, that's problematic and said she has not had someone there for her formally since she was elected, but said if the Mayor's Office is saying that this position is there for them, she cautioned about opening that door that's going to mean spending more money. Ald. Wery commented that the issues Council has been handling need them to be more intrinsically involved and they can't be here all of the time and need someone here who answers to them. He said they can talk about teamwork but it is two separate things; the Mayor and Council and more often than not, entirely different opinions on how things should go. He said if you have someone who reports to

the Mayor and you have different requests coming from Council, the Council priority will be pretty low. He feels it's important to have someone on their team (and we're all one big team) but when it comes to policies, many times we're not and said we need someone here to poke into things and say they're looking into things for the Council or Advisory and he feels that carries more weight than the Mayor's Assistant helping Council. He believes we should say this is something we want first and then ask HR to define the position.

Ald. VanderLeest said if the Council or the Mayor's Office were to add any positions, it would need to be approved by Personnel Committee and then Council. He agrees there should be a separation and locate the position in a room other than in the Mayor's Office where they would be accessible to the Council. He said if this is approved, details would need to be worked out and said he would not be opposed to this position continuing to assist with some things in the Mayor's office. He indicated that he has gotten much busier with constituent issues than in past years and said he will support restoring the Council assistant position. Ald. Jeffreys stated that she is not quite hearing what is missed by not having this position and she would like to know more specifically from the Council members that have been here for a while what they have missed when this is reported out at the next Council member. Ald. Wiezbiskie stated that he hasn't missed this and said there is always someone there for him and have been enjoying assistance from the assistants and the department heads and said they are doing a heck of a good job. He said they have opened up Pandora's box and he is not prepared to vote on this issue and questioned the timing on this. Ald. Zima pointed out that what Ald. Wiezbiskie is enjoying, is what the rest of them had before. He said there is just a shifting of a line item here and no change in the budget. He said if this doesn't pass, he's going to ask Ald. Wiezbiskie not to use that position anymore because that's not part of that job description and he will see that Council needs that position. Ald. Wiezbiskie responded that he has not abused the position and has been taught to ask if you need help and sometimes it's a simple clarification. He stated that Andre answered his constituent phone calls when he was on vacation.

Ald. Piton said during his recent vacation, his phones were covered by Andre and it worked well. He expressed concern that Council could pretty quickly overwhelm a half-time assistant. Ald. Kocha said she takes issue with the timing, if this is being brought forward because Andre may be moving to a new job, that means there is an additional position on the table of organization and said she is looking at the whole picture. Ald. Wery said it's up to the Mayor's Office whether or not the Mayor is moving someone to Transit and said it was his understanding that Andre was moving over to a new position. Ald. Kocha inquired if the Transit position is already budgeted? Scott responded that he is not aware if it or not. Ald. Wery said that discussion has nothing to do with this item.

A vote was taken on the motion. Motion carried.

7. Update on possible ordinance revisions to 27.620, the Sex Offender Residency Ordinance.

Asst. City Attorney Kail Decker distributed a copy of proposed changes to the Sex Offender Residency Ordinance. He indicated that he had made a presentation at the last meeting and was asked to recommend ways of improving

the ordinance. He said issues that were brought up were: access to information, equity among those who were affected by the ordinance (sex offenders) issues with general housing, open records, open meeting laws, issues within the Board, and DOC issues. He stated that he made a significant number of changes and said the changes basically clean up the ordinance and do not change the information very much. He reviewed the major changes as follows: updated the definition of a sex offender, formally was sex offense against a child, he said there is no child victim there is a victim in the case. Designated Offender means anyone who has been convicted under Chapter 948 which is crimes against children. They must register under Wis. Stat. §301.45. Another slight change are the exemptions which now do not have siblings and grandparents included in that exemption. Two additional things: the residence is a facility that houses individuals who have a medical, alcohol or drug treatment need. If that's the only thing that facility does, legally we could not bring that person before the board without disclosing that information voluntarily. An example is the Jackie Nitschke Center which is a four week inpatient facility. Another exemption is a resident who resides in a monitored facility operated by an entity designated a non-profit which only temporarily houses individuals for not more than 120 consecutive days as a transitional living program under the authority of the Dept. of Corrections. He cited the TLP at 1761 Shawano Ave. as being exempt. He said the remainder of the things that are eliminated are redundant language, unclear language or other language that doesn't apply to the ordinance. In the Appeals section, the changes add some factors the Board can consider such as the risk for re-offense, whether the person shows remorse and whether the person has rehabilitated and gives the Board more guidance and gives the actual procedure from start to finish for the Board to follow.

Atty. Decker stated that he also researched information and said if an Act of God knocks the house down, and the person wants to move back into the house after it's fixed, they will have to find somewhere outside the city to live not within the red zone and will need to appear before the Board. It was recommended that he go to surrounding communities to get a system where everyone is on the same page and he said it would be difficult unless the action that this Board is taking is to repeal this ordinance. Otherwise he said it's difficult to get six communities to all have a consistent ordinance and the only real effect would be to have the same language. He received statistics for compliance rates from Tom Smith in the DOC in 2007 14 referrals were made to the DA, in 2008, 31 referrals were made for non-compliance and today there are 27 pending referrals and 30 open non-compliant investigations. According to Mr. Smith the number of people non-complying has increased.

Ald. VanderLeest expressed concern with the exemption that the DOC could place people on Shawano in the TLP, adding that too many are being placed on the west side and can live at this facility for 120 days. He inquired where this exemption came from, and said he is opposed to that exemption. Atty. Decker said this is something the DOC would favor and believes it came up in discussions with the DOC. Ald. VanderLeest said the Board makes the decision where offenders are allowed to stay and said this change in the ordinance would overturn that. He said his intent is not to allow anyone to live for 120 days in that facility and he does not support this change to the ordinance.

Motion made by Ald. Jeffreys, second by Ald. Wiezbiskie to open the floor to allow interested parties to speak. Motion carried.

Jed Neuman with the 200 N. Jefferson Street, Green Bay, Corrections Field Supervisor with the Dept. of Corrections said the 120 day language came from State Statute in Oregon which they have been utilizing. He also stated that his Dept. does not run the facility on Shawano Ave, they contract that out. He said the intent of that facility is to provide a living place while a location is found and cited the case of two gentlemen in the Brown County Jail who need to be transported each morning and taken back, are chaperoned the entire time, and said this is a tremendous taxing of resources on the agency. He said the transitional living program is a facility which gives the individual the opportunity to find employment to begin their treatment and whose family ties are broken and every stable area of their lives that individuals have to work on. Ald. Wery inquired if the facility on Shawano is monitored where the residents are confined? Mr. Neuman said the individuals there are on electronic monitoring and some offenders are on mandatory GPS monitoring. He said there are monitors that check them intermittently throughout the day and night. He stated that each resident there is given a schedule and said if someone is in violation there are enhanced procedures which would come into play immediately. Mr. Neuman said the Green Bay City Police Dept. has not had any problems with the TLP. Ald. Nicholson inquired why individuals are in jail? Mr. Neuman responded that they are in the jail now because they can't go to the TLP either they've been denied in the appeals process, didn't get their appeal in time they were released from an institution and said his department made a commitment to the community that there would be no homeless sex offenders so they place them in jail. Atty. Decker stated that another reason that this was brought forward is because during meetings, a frequent justification for denial is that the individual has not shown they can transition back into society. He noted several points where they were leaving jail going to the TLP and had no history. He said this is one way they can have the opportunity to prove they can transition back into citizen life. Ald. Piton inquired about the denial rate at the TLP, to which Ald. Decker said around 50% or approximately 30 or so. He asked about penalties to which Atty. Decker said everyday is a violation. Ald. Wery said the perception and concern is, do the residents at the TLP pose a threat to the neighbors? Ald. VanderLeest said they just received this information today and he would like to have time to review this and bring it back at the next Advisory Committee meeting.

Motion made by Ald. VanderLeest, second by Ald. Nicholson to hold this item to have time to review the information and bring it back at the next Advisory Committee meeting and to share the proposed changes with the remainder of the Council and to members of the Sex Offender Residency Board.

Brief discussion whether this item should be brought before Protection & Welfare rather than Advisory? It was agreed to have it come back to Advisory Committee. Ald. Wiezbiskie would like these changes shared with the Sex Offender Board and said they were the people who were expressing concerns. A vote was taken on the motion. Motion carried.

Motion made by Ald. Nicholson, second by Ald. VanderLeest to adjourn. The meeting adjourned at 9:00 p.m.