



MINUTES OF THE ETHICS BOARD

TUESDAY, DECEMBER 14, 2021, 5:00 PM

Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INSTRUCTIONS.

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

B. ROLL CALL.

I. William Vande Castle, Chair; Aaron Weinschenk, Vice Chair; Alder Bill Galvin; Cheryl Renier-Wigg; Said Hassan; Janet Hathaway

C. APPROVAL OF THE AGENDA.

I. Approval of the Agenda for the December 14, 2021 Ethics Board meeting.

Moved by Staff Cheryl Renier-Wigg, seconded by Vice Chair Aaron Weinschenk to approve.
Motion Passed.

Yes- William VandeCastle, Cheryl Renier-Wigg, Aaron Weinschenk, Janet Hathaway, No- None, Abstain- None.

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the January 6, 2021 Ethics Board Meeting.

Moved by Vice Chair Aaron Weinschenk, seconded by Board Member William VandeCastle to approve.

Motion Passed.

Yes- William VandeCastle, Cheryl Renier-Wigg, Aaron Weinschenk, Janet Hathaway, No- None, Abstain- None.

E. REGULAR BUSINESS.

1. Discussion with possible deliberation and action on the Ethics Complaint filed by Kimber Rollin against Mayor Eric Genrich under the City of Green Bay Code of Conduct for Elected Officials.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The 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.

Chair Vande Castle disclosed potential conflicts and affirmed his belief he can remain impartial despite those conflicts. The parties have until January 18, 2022 to submit any concerns about those disclosures in writing to outside counsel Attorney Mike May.

Complainant Rollin has until January 18, 2022 to respond to the arguments raised by Respondent Mayor Genrich's letter dated December 9, 2021. Mayor Genrich has until January 28, 2022, to respond to Ms. Rollin's arguments. Attorney May will send a scheduling order to the parties.

A Board meeting to address any conflicts as well as the jurisdictional arguments will be scheduled in February 2022.

2. Discussion with possible deliberation and action on the Ethics Complaint filed by Brenda Staudenmaier under the City of Gren Bay Code of Conduct for Elected Officials against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The 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.

Chair Vande Castle recuses himself due to conflicts of interest based on previous work he has done for the Green Bay Water Utility, including work on issues related to fluoride and previous interactions with Ms. Staudenmaier.

Vice Chair Weinschenk requests briefing from the parties on jurisdictional questions. Complainant's brief is due January 10, 2022. Briefs from Respondents are due January 24, 2022. An Ethics Board meeting to address those issues will be scheduled in early February .

3. Discussion with possible deliberation and action on the Ethics Complaint filed by Benjamin Khademi under the City of Gren Bay Code of Conduct for Elected Officials against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The 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.

Chair Vande Castle recuses himself due to conflicts of interest based on previous work he has done for the Green Bay Water Utility, including work on issues related to fluoride.

Vice Chair Weinschenk requests briefing from the parties on jurisdictional questions. Complainant's brief is due January 10, 2022. Briefs from Respondents are due January 24, 2022. An Ethics Board meeting to address those issues will be scheduled in early February.

4. Discussion with possible deliberation and action on the Ethics Complaint filed by Keith Decker under the City of Gren Bay Code of Conduct for Elected Officials against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The 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.

Chair Vande Castle recuses himself due to conflicts of interest based on previous work he has done for the Green Bay Water Utility, including work on issues related to fluoride and previous interactions with Ms. Staudenmaier.

Vice Chair Weinschenk requests briefing from the parties on jurisdictional questions. Complainant's brief is due January 10, 2022. Briefs from Respondents are due January 24, 2022. An Ethics Board meeting to address those issues will be scheduled in early February .

5. Discussion with possible deliberation and action on the Ethics Complaint filed by Lacey Kuehl under the City of Gren Bay Code of Conduct for Elected Officials against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The 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.

Chair Vande Castle recuses himself due to conflicts of interest based on previous work he has done for the Green Bay Water Utility, including work on issues related to fluoride and previous interactions with Ms. Staudenmaier.

Vice Chair Weinschenk requests briefing from the parties on jurisdictional questions. Complainant's brief is due January 10, 2022. Briefs from Respondents are due January 24, 2022. An Ethics Board meeting to address those issues will be scheduled in early February.

F. ADJOURNMENT.

Moved by Staff Cheryl Renier-Wigg, seconded by Janet Hathaway to adjourn.

Motion Passed.

Yes- William VandeCastle, Cheryl Renier-Wigg, Aaron Weinschenk, Janet Hathaway, No- None, Abstain- None.

VERBATIM MINUTES

- I should have started a little earlier.
- All right, the recording has started. We move ahead.
- All right. All right, very good. This is the meeting of the City of Green Bay Ethics Board for Tuesday, December 14, 2021. It is 5:01. As we're getting started, this meeting is being conducted via Zoom, and it appears that we do have a quorum. So we will move to item C on the agenda which is approval of the agenda for the December 14th, 2020 Election Board Meeting. Is there a motion to approve or are there any additions or modifications?
- I'll make a motion to approve.
- All right, is there a second?
- I'll second.
- All right. So we have a motion and a second. Again, are there any additions or modifications? Hearing none, all in favor, signify by saying aye.
- [All] Aye.
- Any oppose? Motion carries. Item D approval of the minutes of the January 6th, 2021 Ethics Board Meeting. Those documents or that document is in your packet. Are there any additions or corrections? Hearing none, is there a motion to approve?
- Motion to approve Aaron.
- All right, and I will second that. So we have a motion and a second. Any further discussion or questions? Otherwise all in favor of approving the minutes from the January 6th, 2021 meeting, signify by saying aye. Aye.
- [All] Aye.
- Any oppose? Motion carries. Item E. We're now into the substance of the meeting tonight, item E number one. Discussion with possible deliberation and action on ethics complaint filed by Kimber Rollin against Mayor Eric Genrich, under the City of Green Bay code of conduct for elected officials. So we'll start with those proceedings first. So procedurally, generally we first start by addressing any conflict of interest issues. So let me just note for the record here that it appears from these proceedings that the city's law department has a conflict issue in regard to these proceedings. I don't know what that is but, irrelevant for our purposes. As a consequence the ethics board has engaged the services of attorney Michael May from the Boardman Law Firm in Madison and attorney May's in attendance tonight. So he will be representing the board in this particular proceeding. With respect to any conflicts regarding the board, let me start first, with respect to Ms. Rollin. By profession I am an attorney in Green Bay. In the course of these proceedings, it actually came to my attention that one of the members of my firm who handles family law matters, previously provided legal services to Ms. Rollin. That representation, I

understand it- Personally I had no involvement in that representation. My practice doesn't involve family law. I steer away from that as much as possible entirely. So I had no knowledge of this representation until Ms. Rollin's ethics complaint came into my office a couple weeks, and prior to today, I would not have known Ms. Rollin even if I met her on the street. In review, I don't believe that Ms. Rollin's representation by a member of my law firm, for which I had no involvement, would in any way affect my ability to be fair and unbiased prior of fact in these proceedings, or to render a fair or impartial decision at the conclusion of these proceedings. On the other side, as I said, from a professional standpoint I'm an attorney, the bulk of my legal practices in the area of municipal law. In that regard for the past two decades, I have served as general counsel for the Green Bay Water Commission, and in the Green Bay Water Utility, and in that regard, I've had numerous dealings over the years with the city's law department, and on occasion with the mayor's office. I'm also a general counsel for the Green Bay Brown County Professional Football Stadium District, and in that regard I've also worked with the city's law department over the years, and again on occasion with the mayor's office. In addition to serving as the chair of this board, I am also the chair of the City of Green Bay Housing Authority, and I've been a commissioner on that board for more than 20 years. And also in that capacity, I've worked closely with the city's law department and again, from time to time with the mayor's office. And lastly, my son is also an attorney, Nicholas VandeCastle. He's currently an assistant city attorney for the city of Appleton, but prior to that, he worked in my office on many of the same matters and on the same municipal clients that I mentioned above. He also worked part-time for the city's law department. In review, I again did not believe that my professional involvement with the city's law department or with the mayor's office in regard to any of the above that I mentioned would affect my ability to be fair and unbiased as a prior of fact or to render a fair and impartial decision in these proceedings. So, however, in light of the foregoing disclosures, I would turn this over to the parties for any of their comments. I recognize that these disclosures are being made at this time, and that there have been no prior disclosures of my involvement with either of the parties that would otherwise have alerted either of the parties to these issues. And I understand that because of the issues involved in this matter, there may need to be some briefing that may be discussed tonight, rather than compel the parties to make a decision tonight on any conflict issues that they perceive, I would be amenable to allowing the parties time to consider these disclosures and to address them as part of the briefing process, and then I will take that under advisement. So that's my disclosure. I would turn it over to other board members in case they have anything that they wish to disclose at this point, in terms of a potential conflict of interest. All right, hearing none, then let's move into the discussion of this matter. And I think at this point there have been so I will this over to attorney May to give us some direction as to how we proceed. Attorney May, are you with us?

- We can't hear you. Try muting and unmuting again.

- Oh.

- Now can you hear me?

- Yes.

- Yes.

- Thank you.

- Of course these headphones are supposed to make it easier, and sometimes a little harder.
- I had to do the same thing with mine about a week ago.
- The board members should be aware that in addition to the complaint, which was filed in this matter, there was a jurisdictional argument put forward by the mayor's representative Attorney Lans, that was forwarded to the board. I informed the parties that if they wanted to make any such arguments, they should get them to me by last Thursday, and that was the only thing I received and I passed it onto the board. I informed them also at that time that A, there would not be any testimony taken tonight, but that the board would discuss procedural issues and likely set up a schedule to consider this matter as we go forward. So I think that as the board discusses a schedule, one of the things you need to do is to consider how you will take up the jurisdictional arguments that were raised on behalf of the mayor, and whether there are any arguments to make, and then also I assume, have a time to consider those and depending on the disposition of those to move on to an evidentiary hearing if there is not a dismissal on jurisdiction. That would be my recommendation, and I don't know if you've done it differently in Green Bay in the past, but that is normally the way that we would go. So that's what I would recommend, and I'd turn it back over to the chair of the body.
- Thank you counsel. That has been in fact what we've done in the past, in fact the last proceeding before this board back in January of this year, we followed that same format, there were a number of constitutional and procedural issues that the parties were allowed to brief first, and then we met again to discuss those with council, the responses with council, and then made a decision on those issues before moving forward with any evidentiary hearing. So, again, that's been past practice, so I think it would be appropriate to continue to follow that. And so I think that, again, turning it over back to you for any suggestions how we move forward.
- Well just one further comment is that, although the mayor made some jurisdictional arguments, nothing had been filed by Ms. Rollin and I don't know when you set up your schedule, whether you want to give her a chance to either in our brief or otherwise to raise any issues related to that.
- Okay. So, again, procedurally I'm looking at this, put my lawyer hat on here for a minute, looking at this conference with the judge and that one party has already filed a brief, so, well the other party would be given time to respond and then the initial filing party would get a chance to reply to that. So that again, was the process we had applied in the past, and so I would suggest that we look at a timeframe for doing that, with essentially a response brief for Ms. Rollin's, the time for her to do that and then a time for Attorney Lans to reply to that, and then set up a time for another meeting of this board to discuss those issues. Board members any comments on that process? No. All right. So, hearing none I think this is really a calendaring issue. We could do that tonight or in the past what we've done is allow council for the board to work with the parties to set up that briefing schedule. It really doesn't, the only thing we need to be concerned about to take in the future for this board to get back together an opportunity to review that. So, I guess I would turn it over to Ms. Rollin or Attorney Lans to comment on that process if they have any thoughts on how we should proceed to give everybody an opportunity to respond.

- [Ms. Rollin] Hi, this is Ms. Rollin here, and I would like to have additional time please. At least 30 days to respond due to the holidays here.

- Sure. Sure. Understand. So that would put us to about the middle of January, Attorney Lans any thoughts on when you'd have the opportunity to submit a response to that?

- Thank you Mr. Chair, and happy to be here. On behalf of the mayor, I think we'd be prepared to respond or to issue a reply certainly within 10 days after we receive Ms. Rollin's response.

- Okay.

- Yeah, I don't wanna push that out any longer. So maybe towards the end of January.

- All right. That would make sense. And then we could look at, if we have that timeframe in place, we could look at a board meeting again, probably sometime in mid February which would give us the board members an opportunity for a couple of weeks to review all this and schedule this. So, with that in mind I guess I would turn this back to, yes, Attorney Lans go ahead.

- Thank you, I'm sorry. I should've mentioned, we appreciate the Chair's disclosures earlier. Obviously I haven't had a chance to discuss it with my client. I don't foresee that being an issue but just in the unlikely event that it is, I think we'd like a deadline for when you'd like to hear our argument on that or present some sort of briefing.

- Sure. And I think what we would probably do would be to do it at the next meeting. We address that as the first issue, and then go into a discussion of the arguments that are being made by the parties. And in the past we've also given, not only the briefing arrangements, but also at that next meeting given the parties an opportunity to briefly address the board on anything they wanna add to what they've already submitted. So there would be an opportunity for some oral discussion in case the board has any questions. So with that being the case, I would like the board to set up a meeting for some time in mid February, and I don't know if we're prepared to necessarily schedule that tonight, but with this briefing schedule in place maybe I would turn this over back over to the city's law department to try to put together for us where we could meet next and have this available, and made available to the parties. Lindsay does that sound appropriate?

- Attorney May did you wanna weigh in?

- I wanted to weigh in with a couple of things. I'd be happy to put together a written schedule along those lines which would have the responses.

- Yes.

- Ms. Rollin's response is due on January 14th, that's a Friday and then Mr. Lans-

- [Ms. Rollin] Can't do it on the 14th.

- You can't have your filing made by that time?

- [Ms. Rollin] I wouldn't be able to until January 16th at the earliest.
- Okay. Well 16th might be a holiday let me see.
- [Ms. Rollin] It's a holiday.
- 18th is? Okay.
- [Ms. Rollin] I believe so.
- Oh 17th is the holiday.
- [Ms. Rollin] Okay, 17th?
- Well, then why don't you have it due on Tuesday, January 18th? And then,
- [Ms. Rollin] Okay.
- your response Mr. Lans will be due on the 28th, if that's a weekday. It is. And I would ask if, as part of that schedule I'm gonna ask that if either party wants to raise any questions about conflicts, to do it in a filing on the 18th so that that people have a chance to respond to it if they wish to. And then the only other thing I would note is that I am out of state in February. I should, if I have decent internet connection, I can attend a meeting via Zoom, but that's just a
- Okay. So right now is a bit up in the air in February, so I wouldn't be prepared tonight to set a date for that meeting in February. I need to consult with one of the other party or one of the other people in my office that's handling their case for me that we're both counsel on. So, I will turn this back to the city and ask them to arrange the scheduling and their usual format as to how they handle this. So, it's acceptable to Ms. Rollin and Mr. Lans?
- [Ms. Rollin] Yes.
- Okay.
- Yes, thank you.
- Very good. So we will have that, and again that meeting in February will not, will again not be evidentiary, it will be to discuss the procedural and jurisdictional issues that have been raised, and the responses to them and then also the conflict of interest issues. Just so everybody knows.
- [Ms. Rollin] Could you repeat that?
- Yeah, so it will not, the meeting in February will not be a trial. So there'll be no testimony or no witnesses need to be available, then it will be the board's response to the motions that have been filed jurisdictional issues and to the conflict of interest issues, we will deal with all of that on the date in the middle of February, and then depending on how it goes at that point, we would then schedule an evidentiary hearing after that. So we would, the close of that hearing

would be a decision on whether there would be an evidentiary hearing and if so, we would then schedule it. Is that clear?

- [Ms. Rollin] Okay, thank you. Yes.

- All right, very good. Attorney May anything further we need to address?

- The only question I have, as chairman of the board, would you sign the scheduling order or am I allowed to send that out on behalf of the board?

- I don't have any problem with you sending it out since a legal counsel for the board.

- Okay.

- That's fine.

- Okay, thank you. Otherwise I think if you're done with this item, I can leave the meeting as far as I know.

- Yeap. Any parties to these proceedings have anything else further before we close this aspect of the meeting?

- [Ms. Rollin] No, I do not, thank you.

- All right.

- No, thank you. Have a good evening.

- That's okay, very good, thank you.

- Good bye.

- All right. All right. Thank you much.

- [Ms. Rollin] Bye.

- Thank you.

- All right. So now we'll move on to item E two, that would be discussion and possible deliberation and action on ethics complaint filed by Brenda Staudenmaier under the City of Green Bay code of conduct for elected officials against the mayor Genrich and Alders Rynette, Scannell, Stephens, Galvin, Gerlach and Dorff. Again with these proceedings can I have the appearances for the parties please? Are there any legal counsel representing any of the parties in these proceedings? All right, hearing none I'll assume that there aren't any. So once again, we'll address potential conflict issues that may affect these proceedings. I would note that in the previous proceedings, as we just finished up here this evening, the city's law department, which usually represents this board, had a conflict of interest resulting in the board being represented by Attorney May. That's not the case in these proceedings, so for these proceedings the board

will be represented by the city's law department and that would be Attorney Mather and I think acting city attorney will also be involved in this in some variation or not. So, again I'll start first. As I related in my previous, in the previous proceedings tonight, I'm an attorney here in Green Bay, and in that capacity I serve as general counsel for the Green Bay Water Commission, and also the Green Bay Water Utility itself. In my representation of the utility over the past two decades, I have at least over the last almost decade now at large with Ms. Staudenmaier, and her ongoing anti fluoride campaign against the utility and her efforts to frankly disparage and denigrate the utility, its product, its administrative staff and its employees, as Ms. Staudenmaier has, for some reason again, stalked the air in these proceedings. As I understand Ms. Staudenmaier complaint, these proceeding relate to whether the named city officials violated the city's code of conduct for elected officials at about December 1, 2020, by not opening the floor at a city council meeting to allow the complainant and others to speak. Despite the lengthy recitations in the complaint, this body has no any fluoridation issues laid out in the complaint. Those assertions and arguments are completely irrelevant to these proceedings. As noted in her complaint Ms. Staudenmaier seeks my recusal from these proceedings. The ethical considerations and obligations of this position would most certainly require that I recuse myself, and I would have delivered without Ms. Staudenmaier requests and despite her efforts to change these proceedings with more fluoridation, anti fluoridation arguments and personal attacks that are again not relevant to the substance of her complaint or these proceedings. I've had the privilege of serving on this board and over those years this body has taken great steps to provide everyone who comes before it with a fair, unbiased and impartial prior of fact. That is why we go through these conflict reviews prior to the commencement of each hearing, and that is why I am recusing myself from these proceedings, and also to continue to uphold those standards set by this board, and to avoid even the appearance of a bias by this board, and to its principles and standards, I will not only recuse myself from these proceedings involving Ms. Staudenmaier, I'm also recusing myself from the three other companion proceedings on this evening's agenda. And with that, I will turn these proceedings over to the board's vice chair Mr. Weinschenk. Aaron, the floor is yours.

- Hello everybody, good evening. So, I think that the way to proceed is similar to the previous case where we think about scheduling forward, and I say that in part because some people who are named in the complaint could be here 'cause they have another meeting and they're excused from this meeting. And also because I think there are important jurisdiction issues with this case that need to be addressed. And so I think scheduling a meeting out where we can take up those jurisdictional issues would be useful that way you can respond to concerns over our jurisdiction on the issue. And so attorney Mather, do we wanna take each, each one individually, each ethics complaint individually or can I speak to all of them simultaneously since they, they raise the same sections of the code?

- So we will have to take up each one individually but you can speak broadly to what the issues are, and then, and then just, excuse me, and then just refer back for each of the subsequent ones to those same issues that you raised with respect to Ms. Staudenmaier. I would, before we move on because we do have just three board members at this point and that's what we need for quorum. Just wanna check with the remaining three of you that nobody else has any other conflicts that they need to declare at this point. Thank you. Go ahead Aaron.

- Great. So there's some jurisdictional issues that I think need to be addressed. We obviously have to have jurisdiction over things in order to make decisions about them, and so the

complaints all cite violations of two parts of section four of the ethics code, but those sections of the code apply if numbers are given the chance to speak and Wisconsin Open Meetings Law will impress citizens the right to attend and observe open sessions, but does not require a government body to allow the members of the public to speak or participate. And so I think we need more information on how the sections cited apply, right? If there's no requirement that a government body open the floor for public input, then what is the relevance of the sections of code that are cited? And so I think there's a, there's a question of if we're able to even take this up given that the violation of citing parts of the code that refer to speakers and there was a decision not to let people speak.

- So do you wanna set it for briefing then?

- I think I would like responses from all of the complaints in writing, maybe like a week before or whatever we set the meeting, just to address the jurisdiction issue of whether we can even deal with deal with these.

- I would recommend giving a deadline for the complainants and then also similar to what was done in the last item, providing a deadline for responses from the respondents as well, and then having the meeting after that.

- Do we have a date? I know that there was some work on trying to figure out a date for a meeting.

- We do not have a date yet.

- Okay.

- So I guess it depends on the alders that are not here, and I guess if you'll permit me, I will just make a really quick record about the respondents who are not able to be here, just so that everybody knows Mayor Genrich, Alder Dorff, Alder Gerlach and Alder Galvin, all reached out directly to the law department and indicated that they are going to defend against this complaint, however they all have other commitments. I know some of them are at the personnel and finance committee meetings this evening, and some have other commitments as well, but because this was scheduled as quickly as it was, and there were so many respondents we knew that it was unlikely we were going to get a date right off the bat that would work for so many people. So I did ask everybody to provide some dates in January that would work, however, I did only ask them for January and depending on how much time the parties would like to brief, if we do wanna push it out and have the meeting in February, I would just ask that similar to the last item, you allow the law department sufficient time to coordinate with everybody as far as finding a time that fits everybody's schedule for the next meeting.

- Do you have any recommendations on the amount of time that we should allow for briefs from those filing complaints and then responses?

- I would first ask the complainants if they have, what their opinions are and as far as how long they would need to respond to the jurisdictional questions that you've raised and then based off of that ask the respondents how long they would like to be able to respond to whatever arguments are raised. So I would start with Ms. Staudenmaier.

- Yeah, Ms. Staudenmaier do you have any sense of how long you would like to respond to the jurisdiction question I raised?

- Sure. I think can we have until the first week of January, January sometime the week on the third? So then it's after Christmas and after new years.

- So we could, maybe something like Monday the 10th briefs and response to the jurisdiction issues and then, does that work for other, I guess since these are individual complaints, just by the what they cite, the same section of the code as being vile on each complaint, does that work for the other complaints?

- Yes.

- Yeah.

- So we don't have some of the people here, right, who are gonna be possibly responding?

- Correct.

- It works for me too, anytime in January.

- Okay.

- Thank you.

- So is that the 10th then? I'm sorry is that what you said?

- Yeah. It's the 10th, briefs responding to the jurisdiction question by the 10th.

- Okay. And then, yeah, all the respondents aren't here, but if you wanna just ask the ones that are to weigh in on when they would like to see, how much time they would like to see or to have rather to be able to respond.

- Sure. I can't see all of the participants, if you wanna raise a hand. Yeah, go ahead city council member.

- Yes, sorry. Thank you chairman. That is reasonable as long as there's sufficient notification when the complainants have made their case.

- So something like a two week span to respond after they're submitted, would that work?

- It seems reasonable.

- So we could say, let's see, responses by the 24th of January? That would be two weeks from that Monday.

- Yes.

- And then we could set a meeting after that or maybe the first week in February.

- Alder Scannell did you ever comment? Did we lose him?

- It looks frozen.

- He certainly looks frozen but-

- On my end. But Gerinna wasn't like Alder Scannell.

- Alder Scannell did you have a comment? You froze for a minute on us.

- That's funny, you all froze. I was just gonna say that the dates the 10th and the 24th I think are agreeable to me as well.

- Alder Stevens?

- Works for me as well.

- Thank you. Do we have any others here? I don't think so. The other four are not here, so what I'll do just so all the parties are aware, following this meeting I will reach out to everybody with both the questions that Aaron has posed as far as what should be included in your responses, and then also with the scheduling deadlines so that everybody who is here, and everybody who's not here is aware of those deadlines, and I will also work with everyone, unless you, all want to pick a date right now, if we do push the meeting into February, I will work with everybody to come up with a date that's amenable to everybody, I don't have dates beyond January at this point from the respondents who are not here.

- I think we can, we don't have to pick a date, we can sort that out via email once we get these materials and we can go from there. It's usually pretty easy to coordinate a meeting date with a couple of weeks notice. Do we, we need to go through the rest, each of the rest of the complaints?

- Sorry, Civic Clerk is acting up on me, I'm getting sidetracked. So, I guess since they are all on the agenda we should call each of the items and just outline the scheduling dates for each of them as well. In the past we haven't had the board approve of scheduling orders once we've set them so we don't necessarily have to take votes, but since they are on the agenda we should call each item and handle it individually and set that schedule for each one.

- Okay. So we will move on to item three of the agenda that is the discussion about possible deliberation action on the ethics complaint filed by Benjamin. I think you probably understand the jurisdiction question I'm raising, but since you cite the same sections I'll just say it again to make it clear. You're citing sections of the code that refer to how people are to be treated if they're given the chance to speak, how they're supposed to, how members of the council are supposed to interact with them, councils are under no obligation to allow people to speak if

they don't want to, that's state open records laws, you can look at it on the Wisconsin Department of Justice page. They make it abundantly clear that boards it's under their discretion to open up so we need to know how those sections of the code apply given that they entail interactions with speakers but people were not granted the chance to speak by the council which is their prerogative. So we need responses to that issue from your complaint as well. Any questions, concerns otherwise I can move to the next item where I will basically say the same thing again. All right. We will move to agenda item four discussion and possible deliberation and action on ethics complaint filed by Keith Decker under the City of Green Bay code of conduct for elected officials. I have the same jurisdictional questions regarding that complaint as well. Councils do not have to open up the floor to speakers, and so how does the sections of the code do you cite, which entail allocating time, how council members are supposed to interact with the public apply, given the rules at the state level.

- Yeah, you're asking you to one of us about the legalities of it, right?

- I'm asking each one of you to respond in writing to my questions about jurisdiction.

- Okay. I mean basically to be honest we're just following Brenda's lead on this and so I would, differ comes to the legalities involved. We're just trying to do what makes sense to us as far as what's right. So I'm not a lawyer and I don't have one, so maybe we can give you a written respond then sure so.

- You'll have until that same January 10th deadline to submit your arguments in writing, and then the respondents, all of the alders and the mayor will have the chance to respond in writing as well, and then the board will discuss it at the next board meeting. And you'll be able to be there and make arguments if the board asks for them.

- Sure. That's good.

- All righty, and we have one more agenda item five, discussion of possible deliberation and action on the ethics complaint filed by Lacey Kill under the City of Green Bay code of conduct for elected officials. I feel like a broken record here, but since we cite the same cautions of the ethics code we need to know how that applies when boards are not obligated to permit speech by audience members, and again, you have the opportunity to respond to my jurisdiction question in writing, the people who are complained against have the opportunity to respond, and then we will... I think we got all of the complaints. Yes. So-

- Any questions from any of the complainants about that timeline? I just wanna be very clear. And I think Aaron mentioned this as well but just as a reminder, these submissions should only address the jurisdictional issues, none of the merits of any of the other arguments as far as the merits of fluoridation versus not, whatever the opposite of fluoridation. I can't speak. But just strictly whether the ethics board has the authority to hear this under the code of conduct, and if the board determines at the next meeting that it does, then at that point what we would move on to an evidentiary hearing, but I just want to make clear to all of the complainants and all of the respondents that there should be strictly limited to addressing those jurisdictional questions that Aaron has raised.

- On attorney Mather just on, to add on. The folks here know they can hand write those

responses on if they need to, I should say they don't need an attorney to respond to those. You can respond to those yourselves, and they get delivered to you. Is that where they would respond to?

- Yes.

- Okay.

- You can email them to me, I believe at this point you have all received email communications from me. So you should all have my email address, if you do not, please let me know now and I'm happy to give that to you. So you can either email me your submissions, you can mail it in, you can bring it to the clerk of court's office, however is most convenient for you. In general, we do ask that you provide a copy to the other parties as well, however if you're unable to do that, I always send copies to all of the parties as well just to make sure that everybody has everybody else's motion. So... Good question, thank you.

- And that's due by January 10th?

- January 10th for the complainants, January 24th, right? For the respondents.

- Yeap.

- Right.

- Yeap. All right. I think that I am done being vice chair and I can turn things over to Bill.

- [Bill] All right. So it looks like we've completed the agenda, so I think the next item on the agenda is a motion to adjourn, unless anybody has anything further. On hearing none, is there a motion to adjourn?

- I'll make that motion.

- [Bill] We have a motion and a second. And thank you all for participating tonight and working through all of this. There's a lot to cover here, and I think we successfully worked through all of it. So thank you all very much. So all in favor of the motion to adjourn signify by saying aye. Aye.

- [All] Aye.

- [Bill] Any opposed? Motion carries. We are adjourned. Thank you all again.

- Thank you all, have a good night.