



AGENDA OF THE ETHICS BOARD

THURSDAY, FEBRUARY 10, 2022, 5:00 PM

Virtual Meeting. Public may join via Zoom.

A. Zoom Meeting Instructions.

1. This item contains Zoom information, instructions, and a link to the Virtual Comment Form.

B. Roll Call.

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

C. Approval of the Agenda.

1. Approval of the Agenda for the February 10, 2022 Ethics Board meeting.

D. Approval of Minutes.

1. Approval of the Minutes for the December 14, 2022 Ethics Board meeting (held from 2/3/2022 meeting).
2. Approval of the Minutes for the February 3, 2022 Ethics Board meeting.

E. Regular Business.

1. 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 Board 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 Board will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

2. 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.

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

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4. Scheduling of future proceedings.

F. Informational.

1. Benjamin Khademi voluntarily withdrew his ethics complaint against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

G. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Ethics Board meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.

Virtual Meeting Instructions



Ethics Board 2-10-2022

Zoom Meeting Information

Join Zoom Meeting

<https://us02web.zoom.us/j/88520661416?pwd=a0llaFIRTG1LRVZXaTBEnR3aTladz09>

Meeting ID: 885 2066 1416

Passcode: 232441

One tap mobile

+13126266799,,88520661416#,,,,*232441# US (Chicago)

+19292056099,,88520661416#,,,,*232441# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 885 2066 1416

Passcode: 232441

Find your local number: <https://us02web.zoom.us/j/88520661416?pwd=a0llaFIRTG1LRVZXaTBEnR3aTladz09>

Public Comments

If you wish to speak at this public meeting or leave a comment, please fill out the online [Comment Form](#) prior to the meeting.

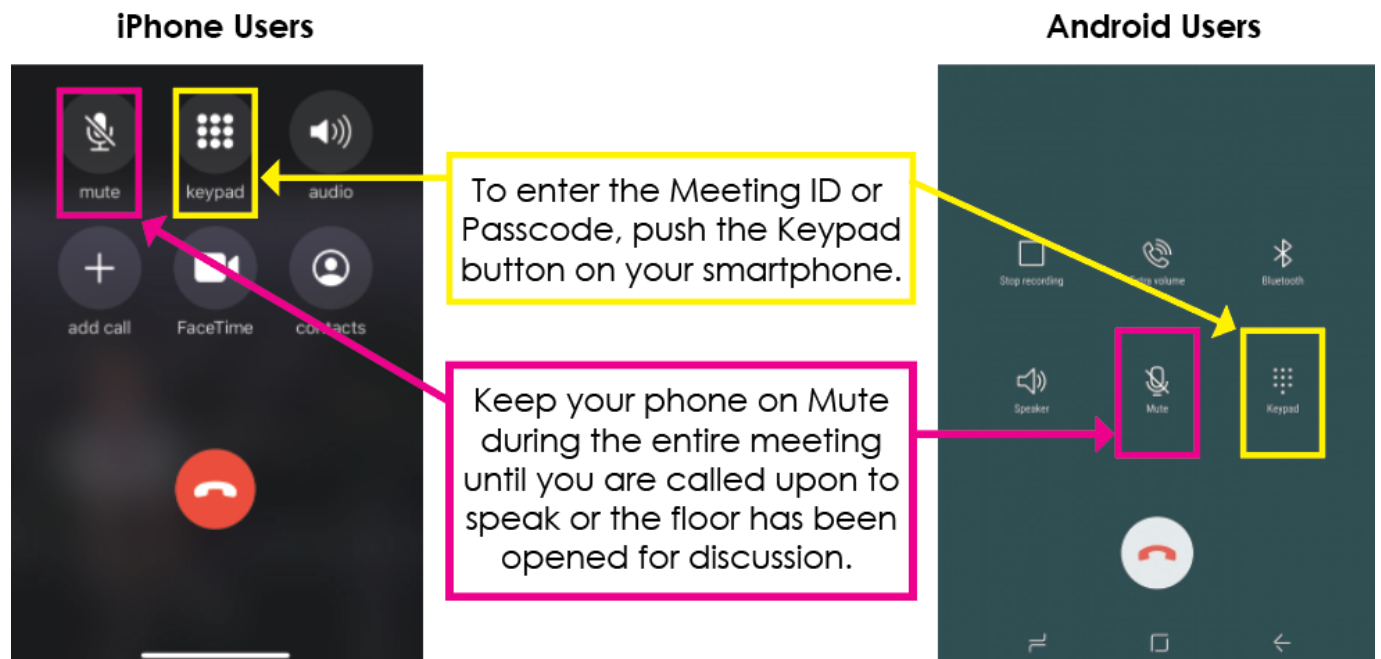
Additional Information

1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must state their name and address for the minutes.
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order Newly Revised 12th edition*.
2. Please log into the Zoom meeting at least 10 minutes before the meeting begins to ensure a proper connection and that your technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
3. Once you are in the meeting please mute yourself.
 - a. You may unmute yourself when you are called upon to speak.
4. Waiting room
 - a. When you call in or connect via web or Zoom app, you will be placed in a "waiting room."
 - b. The meeting host will then admit you to the meeting, and mute you upon entrance (you will still be able to hear and or otherwise observe the meeting).
5. Registering
 - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You'll receive another email confirming that you're registered for the meeting.
 - b. If you're using a phone, your registration will be tied to an email.
6. Raising your hand
 - a. Committee/Commission/Board members—you can either use CivicClerk and request to speak or you can also utilize the "raise your hand" tool in the Zoom platform (you'd need to use a computer or tablet) to let the host know you would like to speak. You can also un-mute yourself and start speaking.
 - b. Persons with items on the agenda or other interested parties —you can also utilize the "raise your hand" tool on the Zoom platform via computer or mobile device. You will be allowed to speak once the committee, commission, or board has moved to "open the floor for interested parties to speak." Once discussion on your agenda item has concluded, the host will mute you, unless the committee opens the floor again.
7. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—in advance of the meeting, please download the Zoom Meeting app by using either the Apple Store or the Play Store. You will be asked to input your name, to identify you for the meeting.
 - d. Computer—you can access the meeting through a web browser by clicking on the meeting link, or through the Zoom Meeting app. If using the app, please download it in advance of the meeting. You will be asked to input your name, to identify yourself for the meeting.
 - e. For tablet and computer users--if you download the app you may be asked to verify your email.

8. Zoom etiquette
 - a. Muting yourself when you're not speaking will prevent your background noise from interfering with others' ability to listen to and participate in the meeting.
 - b. If you're using a telephone, please identify yourself with your phone number and state your name and address before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourself.
9. Closed session
 - a. Persons in the Zoom meeting will be put into a waiting room while the committee/commission/board meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
 - b. Persons watching a Common Council meeting live on YouTube will see a gray screen with the City logo during closed session.
10. Persons interested in attending anonymously or listening to the meeting may call in by dialing *67 followed by the phone number in the Zoom Meeting Information box.

Calling into the Zoom meeting using a smartphone

1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by #
3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not wish to speak, please make sure your phone is on **Mute**
 - a. If you're using a smartphone, look at your screen and click the Mute button





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.

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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.

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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.

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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.



MINUTES OF THE ETHICS BOARD

THURSDAY, FEBRUARY 3, 2022, 5:00 PM

Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INSTRUCTIONS.

I. This item contains Zoom information, instructions, and a link to the Virtual Comment Form.

B. ROLL CALL.

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

Present: Bill Galvin, William VandeCastle, Cheryl Renier-Wigg, Aaron Weinschenk, Janet Hathaway

C. APPROVAL OF THE AGENDA.

I. Approval of the Agenda for the February 3, 2022 Ethics Board meeting

Moved by Ald. Bill Galvin, seconded by Aaron Weinschenk to Approve.

Motion Passed.

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

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the December 14, 2021 Ethics Board Meeting.

Moved by Board Member William VandeCastle, seconded by Ald. Bill Galvin to Hold.

Motion Passed.

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

E. REGULAR BUSINESS.

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

1. Recusal issues.
2. Jurisdictional issues.
3. Other matters and future scheduling.

The Board 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 Board will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

Parties provide statements on recusal issues. Board Member Cheryl Renier-Wigg states that she is able to remain impartial and will not recuse herself. Alder Bill Galvin states that he is able to remain impartial and will not recuse himself.

Parties provide statements on jurisdictional issues.

Moved by Board Member William VandeCastle, seconded by Aaron Weinschenk to enter closed session.

Motion Passed.

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

Moved by Staff Cheryl Renier-Wigg, seconded by Ald. Bill Galvin to return to regular session.

Motion Passed.

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

Moved by Board Member William VandeCastle, seconded by Janet Hathaway to have Attorney May proceed as directed in closed session.

Motion Passed.

Yes- None, No- None, Abstain- None.

F. ADJOURNMENT.

VERBATIM MINUTES

[Verbatim minutes are not available for the first portion of the Board meeting.]

- [Attorney Lenz] The preamble section one of the Green Bay ethics code and our initial complaint, and then again, in her response now bringing forward allegations under sections three and four, that those, you know, for reasons I've discussed, I don't think we really need to even address those. But similarly she doesn't identify specific provisions, which is what the code requires for a complaint, merely recites what's in there. There are a lot of specific provisions in the Green Bay code of ethics. This board certainly knows that better than I ever will. None of those are addressed in Ms. Rollin's complaint. This is more of a general grievance or an elections complaint much of which has nothing to do with the mayor of Green Bay and has to do with a private individual who's not an elected official. The second reason that we believe the complaint is not in conformance with the code and therefore doesn't convey jurisdiction is that it's untimely. Ms. Rollin's response does not dispute that her complaint was filed outside the one year after all of these events allegedly took place, but more importantly, more than one year after the election, but she rather relies on the discovery rule. We made the analogy and Ms. Rollin made the analogy to discovery rule under in the civil laws and the criminal laws in the state of Wisconsin and the body of law that's developed around that that Wisconsin does recognize a discovery rule that you have a certain amount of time after you discover the wrongdoing or the violation to bring forward a complaint. But what Ms. Rollin did not do in her response and cannot do is demonstrate in any way that she was diligent in trying to uncover what had happened. And the reason she can't is that all of the events that Ms. Rollin's described, you know, the election, because many of the events she described really didn't happen, but the election took place in public. It was by law, by practice in the city of Green Bay, by practice in the media, was a very public event. There was no reason that a reasonably diligent or even partially diligent person who was interested in what was happening could not have viewed what was happening in real time. Ms. Rollin's complaints in the complaint, at least about election grant funding were subject to litigation long before the election, much of which was reported in newspapers. This were not secret events. This is not like a stray voltage case where the, you know, you don't find out about the damage to the livestock until years later and have to uncover what happened. All of this happened on YouTube in public. Ms. Rollin, like many others had every right to go to central count and observe what was going on that day. And in fact, in her response, she attaches the observer log that identifies about 38 people who did attend central count and who did observe what was happening that day. So, all of that is by way of saying that Ms. Rollin cannot demonstrate that she was reasonably diligent, rather she relies on when the city of Green Bay, more or less delivered documents to her. And then the final reason that the complaint doesn't conform with the requirements of the code is that it contains no evidentiary information, which is required by the code. Ms. Rollin's in her initial complaint did not identify a single document that she relies upon. Did not identify witnesses, did not identify the basis of her beliefs. The only document she references in the complaint is the findings of the city attorney from April of 2021, which directly contradict many of the all allegations in her complaint. She left the board and the respondent with no way of knowing what the basis of these allegations were beyond what she was saying and that's a violation of what's set forth in the code, what's required for complaints. Again, now in response, Ms. Rollin's has attempted to attach various affidavits and some other documents, frankly, none of which support the allegations, but leaving aside, those were unsworn attachments to a later document. They're not part of the complaint. They don't confer jurisdiction. They don't cure what was wrong in the first place. So I'll kind of conclude with this, you know, from the beginning, from the date of the election to today's date, these similar complaints, similar allegations that are contained here have been part of the public narrative. Unfortunately, they've been sought, you know, they've been part of litigation that the city's responded to other parties have responded to much of which again was subject to considerable press. They don't belong before this body, they've been disproven. The city ran a

successful legal election in November of 2020. That fact has been proven again and again and again, and Ms. Rollin's complaint is so lacking on its face that there's no need for the board to reconsider any of those facts. With that, I'm happy to answer any questions. Mr. Galvin you're muted, I'm sorry. I'm sorry, I'm sorry, Mr. Chair, you're muted.

- I'm sorry. Any questions from any of the board members? Nope, all right, hearing none then I'll turn the floor over to Ms. Rollin, and Ms. Rollin part of this is really limited to the jurisdictional issues that were raised by the mayor's responses. So it's not really into the substance of the complaint, but really the jurisdictional issues. So in your response, kind of confine yourself to those responses and not get into the necessarily the facts of your complaint. So the floor is yours.

- [Kimber] I don't know if I can comply with that, but, okay. So my name is Kimber Rollin. I have a prepared statement here and I'm going to read it. I'm a resident of the city of Green Bay, Wisconsin. I am not an attorney. I am just an ordinary citizen who filed the complaint as best I could. I filed a very straightforward two page complaint against Mayor Genrich on November 4th, 2021. I stated that Mayor Genrich has violated the city of Green Bay, Wisconsin code of conduct for elected officials. I'm not an attorney. In my complaint, I also reserve the right to amend and add to it. I added a number of affidavits and documents in my response that verify the facts that I stated in my complaint. Attorney Lenz in his 28th, 2020 reply stated that my complaint is based on blatant falsehoods and borderline slanderous accusations. I am insulted by that. My complaint is based on facts, supported by affidavits, emails, news articles, and other documents. This is why we need a public hearing. The facts need to be presented, and questions need to be answered in an open meeting for everyone to hear. I believe in open meetings and for the public to be informed. Attorney Lenz's statement in the mayor's January 28th, 2022 reply, in my opinion, fails to give all the facts regarding the May 4th, 2021 council meeting. I looked up the wording for the council's resolution and the resolution was that the August and November, 2020 elections administered by the city of Green Bay were properly executed in an accurate, safe, and secure manner and reject claims to the contrary. The resolution passed with six yes votes and five alders abstaining and one no vote. Attorney Lenz fails to mention that the council went into closed session for over 40 minutes and that the vote was close. Yes, the vote was six to one with five alders abstaining, hardly full confidence. It is my understanding that Attorney Lenz in law forward represent Mayor Genrich and the city of Green Bay pro bono. Now I'm going to focus on the ethics complaint. I believe it was filed on time for the following reasons. In the spring of 2020 I discovered that a man from New York ran the Green Bay central count and was significantly involved in the election in Green Bay. I discovered this after listening to testimony at the state elections meeting on March 10th, 2021. This is my testimony. How would I have ever known on November 3rd and November 4th that this man from New York had that much authority at our central count. Furthermore, the central count livestream was not recorded and therefore cannot be reviewed. It is my understanding that the observer log was not open for observation on election day and was only provided later because of a FOYA request. After listening to Sandy Juno testify before the elections committee in spring of 2021, I learned that a man from Brooklyn, New York was at central count in Green Bay telling poll workers what to do, that this New Yorker was ordering people around, that he was working with and handling ballots, that the New York man was checking people and his poll workers and observers, that this New York man designed the layout of central count and that he had keys to the storage area where the voting machines were stored at the KI Center, that this New York man was in the area where the voting machines were the Sunday and Monday prior to the election by himself and that he had a special internet connection installed at central count, that the New York man was provided a badge identifying him as representing the city of Green Bay as the election official. Finally, in the spring of 2021, I learned that numerous people stated that this New York man was in charge of central count for the Green Bay for Green Bay, and that he appeared to be running the central count. The observer log shows that the man from New York identified as Michael Spitzer-

Rubenstein was signed into central count as an observer. This observer log also shows that he did not sign in as an observant until after 11:00 PM on November 3rd, 2020. Mr. Rubenstein was not a poll worker. He was not a resident of the state of Wisconsin. I think in order to administer central count and tell poll workers what to do that he should have been at least a resident of state. I am not a lawyer, but I think that Wisconsin statute state that the clerk is to run the central count, not a man from New York. Over 31,891 absentee votes were counted at the KI Center. I questioned the fact that a man from New York managed the central count for the election on November 3rd and fourth, 2020. A man from New York should not have been allowed to be one of the head people for the central count of our city and have that much control and access to our central count. It is wrong. The code of conduct for election officials for the city of Green Bay says that a complaint under the code must be filed no later than one year from the date of discovery of the alleged violation. I discovered this in the spring of 2021, that is my testimony. In researching the news articles for this response, the first article I found was written by Hailey B Miller on November 13, 2020, 10 days after the election. After reading some more articles on this matter, I believe that the public man from New York running central count until after the FOYA requests were answered in January, February of 2021, I filed this complaint within one year from the date of discovery of the alleged violation. I was not present at central count. A livestream video of central count is discussed in the mayor's response took in my complaint. The letter from Attorney Lenz, there is no recording of the livestream, if there is one, I would like to review it. I was told that the city failed to preserve the livestream video. It would be nice to have that so we could see what really happened. The livestream video would answer a lot of question if the cameras were pointed in the right direction. I will have to present a witness as to what they saw Michael Spitzer-Rubenstein and Mayor Genrich doing at central count. I could attach a written transcript of the testimony before the elections commission, but I do not have that. So I thought I could put witnesses on to tell firsthand what they saw, Michael Spitzer-Rubenstein and Mayor Genrich doing at central count. Those people who I would ask to testify would be Sandy Juno, Attorney Hamari, Chad Winegar, Elizabeth Rankin, Andrea Johnson, Attorney Cluster and Rex Cotageli, Matt Razor, and Poly Razor. I believe all of these people would testify that they saw or had documentation that Michael Spitzer-Rubenstein from New York City was one, telling poll workers what to do, two, handling ballots, three, administering central count, four, setting up central count, five, working in central count restricted area that Sunday and Monday before the election, six, designed and setup the layout of central count, seven, set up a secure hidden internet line, eight, set up and used a computer near the ballot county machines within the central count processing area. Nine, Michael Spitzer-Rubenstein was provided a badge identifying himself as representative of the city of Green Bay as an election official, 10, most importantly is that Mayor Genrich was present at central count and was talking to an observing Michael Spitzer-Rubenstein. Mayor Genrich was aware of what was occurring at central count. Attorney Lenz letter says that Mayor Genrich absolutely denies my complaint. If the person charge appears and denies the complaint, the ethics code says that both the complainant and the person charged may produce witnesses, cross examine witnesses and be represented by counsel. I am requesting the opportunity to present witnesses. I would also like additional time to find an attorney to help me. Again, I am not an attorney. In my opinion, Mayor Genrich failed to maintain the utmost standards, a personal integrity, trustfulness, honesty and fairness in carrying out his public duties for the November 3rd election. He allowed a man from New York to administer the central count in Green Bay, Wisconsin. Mayor Genrich failed to comply with the election laws by allowing a non-resident to act as a poll worker and act as head of Green Bay central count. This is a violation of the requirements of a number of the Wisconsin state statutes. The city clerk is to be in charge of the elections. Mayor Genrich used his position authority to allow Michael Spitzer-Rubenstein to run central count work as poll worker and represent himself as a city employee. Mayor Genrich allowed a non-resident to work at and control.

- Excuse me, excuse me, excuse me Mr. May.

- [Kimber] Mayor Genrich's actions have put the legitimacy.

- Point of order.

- [Kimber] Central count and integrity of the city of Green Bay into question. The city of Green Bay and the media and books regarding the handle of the election. Mayor Greenwich has failed.

- Mr. Chairman, this is going way, way, way past what the question was as a jurisdictional issue. Obviously Ms. Rollin has a prepared statement and we're asking for her to answer about the jurisdictional issue. I mean, she's had so much information here, I can't follow what she's saying anymore.

- [Kimber] This is being recorded correctly, correct? This is being recorded?

- Yes, but Ms. Rollin We're not here to make an opening statement in your case or we're not here to present testimony or evidence. We're here to address the jurisdictional issues that were raised by the mayor's response. I think you've covered most of it, but I'll give you an opportunity to just circle back and make sure you've covered everything, but we're not here to provide testimony or opinions. Our issue here is really the jurisdictional issues that were raised in the mayor's response and that's what the purpose of tonight's meeting is. So if you wanna respond to that, that's fine, but not to make an opening statement for your case. That's not what we're here for.

- [Kimber] May I finish the last page of my letter?

- If you can attune it to the jurisdictional responses, yes. But again, like I said, you prepared a letter, but this is not an opening statement in your case, you've repeated a number of things that are factual issues that would be addressed in a legal proceeding if it got that far, but we're here to address whether or not it even gets to that point and that's the issue that needs to be focused on here tonight. So the mayor has raised several jurisdictional issues and we're looking for your responses to those, not an opening statement or not testimony. I think you've addressed the issue of timeliness. I don't know that I've heard anything about addressing the issues raised by the mayor in of the sufficiency of the complaint, if you wanna address those by all means do so. Do you have a response to the mayor's issue regarding the substance of your complaint.

- [Kimber] I'm not sure that at this time I understand the question good enough.

- Attorney May I'm at an issue here of whether I start giving legal advice as to what the requirements are. I think maybe I would turn it over to you for any guidance that we should deal with on this.

- Again, I don't think either you or I or the board ought to be advising her on how to bring her case. I think that's an issue for her. As a practical matter, if there's one page left for her to read and that's all she has, you might consider whether to just let her finish up, and then we could move on, and even though it may not be directly relevant to the issues in front of the board, she would at least have had

her day in front of the board.

- All right, right, and again, I have no problem with that, I just wanna make sure that we're focused on responding to all the jurisdictional issues that were raised. And from what I've heard and recall hearing, there's a couple of the things that I don't know have been responded to, but all right, Ms. Rollin, we note the objection from Alder Galvin and the concerns that I've raised, but go ahead and finish your last page.

- [Kimber] Okay, thank you for the time. Okay, so finally, I do not have the affidavits that I attached to my response when I filed this ethics complaint, I did not have the affidavits that I attached to the, my response when I filed the ethics complaint, the affidavits attached to my response show that Mayor Genrich was present at central count on November 3rd and November 4th. Attorney Lenz incorrectly states in the January 28th reply that the affidavit of Andrea Johnson does not mention Mayor Genrich at all. I would like to point out that the affidavit of Andrea Johnson states on page two, number 21, the following, I notice that the mayor was present during the morning and evenings, sometimes talking with Mr. Spitzer-Rubenstein, Attorney Lenz has misstated the facts regarding this affidavit. Attorney Lenz has stated a blatant falsehood. Attorney Lenz goes on to state that these sworn affidavits are not credible. I am sure that Attorney Cluster, Elizabeth Rankin and Andrea Johnson believe that their sworn affidavits are truthful and very credible, but the truthfulness and credibility issue is one for the fact finder determined during testimony. I believe that I have one year from March 12th, 2021 to file this ethics complaint. That is the date that the FOYA responses were made public. I discovered this matter in the spring of 2021, therefore the time period for filing has not yet run and I asked that I would be allowed to mend the complaint or refile it and attach all of the documents that support the facts that I have stated in my complaint. And if required restate the specific parts of the code of ethics that were violated. I am also able to provide affidavits and documentation to support each and every statement that I have made in my complaint. Mayor Genrich should appear before this committee and explain his conduct. Mayor Genrich should appear and answer all questions regarding the role that Michael Spitzer-Rubenstein played at Green Bays central count on election. I support the city of Green Bay staff, entirely, I do. I love this city, but not a man from New York. I believe that any appearance of impropriety regarding the November 3rd, 2020 election is unacceptable. I believe that everyone's vote must count. I believe in election integrity and justice for all in this situation. Thank you.

- All right, I think from a procedural standpoint, we would give Attorney Lenz an opportunity to respond to what was related if he chooses to do so. Attorney Lenz.

- [Attorney Lenz] Thank you, Mr. Chair, I'll be very brief. I appreciate the opportunity. First, I'll direct a, well, maybe I'll leave that to the end. So I wanna focus first on what we did not hear from Ms. Rollin. We did not hear responses or as to the two of the deficiencies pointed out in the complaint that it did not contain any evidentiary basis and that it did not specify a provision of the code, those appeared to be uncontested and we knew that to a certain extent from the written response as well. I think leaving aside the timeliness issue that sufficient cause for the board to find that there's no jurisdiction here. The complaint simply does not meet the requirements of the code. I respect that Ms. Rollin is not an attorney, but she was clearly able to review the code to find out that the complaint had to be sworn and had to include her address. They're not particularly difficult provisions. So I think that's enough, but just addressing a few more items, Ms. Rollin asked as part of her argument on timeliness, how would I have known, how would I have known what was happening at central count, central count was public. She, you know, it was available to her. There was a live stream. I appreciate that it wasn't recorded, but that's not really the point. The point is that it was accessible to everybody across the

country, across the world. If you were interested in what's happening in central count, it was available. And I think without, and I completely agree that we're not here to discuss facts, but what we did hear in terms of the allegations that are of interest to Ms. Rollin is that they're not allegations under the Green Bay code of ethics. They appear to be allegations at best under Wisconsin election law. Many of them appear to be directed at any elected official, but at another individual. And again, I don't think this board should find it as jurisdiction to further proceed on that type of complaint. So I do have one question similar to the question that the chair raised at the beginning in a response to a point that Ms. Rollin made. My copy of the affidavit of Andrea Johnson goes from paragraph 11 to paragraph 23 and does not appear to contain the allegations she discussed. If I had an incomplete copy, I apologize. I certainly did not mean to misrepresent any documents. The copy I have does not include the language that she discussed. I did just wanna address that because it was out there. And so I'll leave with this, you know, we've heard a number of reasons why this complaint must be dismissed, why the board should take no further proceedings in this matter. I don't want to disguise the fact that the mayor however, is proud of how the election was run, is proud of city staff, is proud of particularly the members of the clerk's office who ran this election, who ran central count, who did an amazing job under really difficult circumstances. And, you know, this election was important and it was conducted in accordance with the law is because it was so important and because it's so important to give the voters of the city of Green Bay their voice, and that's what happened here and I don't want that to be lost. So again, I'm more than happy to answer any questions the board may have, but I'll leave it there. Thank you.

- All right. Any questions from any member of the board to either Ms. Rollin or Attorney Lenz? All right, hearing none, then our next item on the agenda if I get back to the right page here is any sort of any other matters that need to be addressed, other matters in future scheduling. Having heard from both sides here, in addition to their filings and the information that they've provided tonight, obviously we were at a point where a decision, some decisions need to be made on these issues before we proceed to the, proceed to the next step in this process. Normally in these situations, we would adjourn in for discussion with legal counsel as to how we proceed next, and then don't know that any decisions would necessarily be made tonight, but we would then come back into open session to at least address where we are with those discussions from closed session. So, unless there is any other issues that need to be addressed, at this point, I would propose that we adjourn into closed session under section 19.85 sub one, sub A that's provided in the agenda and for deliberating concerning the issues that were presented this evening. Attorney May any comments on your side of this?

- Not at this time.

- Okay, so I would make the motion to adjourn into close session, is there a second and go through the process.

- I'll second, I'll second, Aaron.

- All right, Aaron has a second. So let me just read the statement that put into the record that the board may convene in closed session pursuant to section 19.85 sub one, sub A of Wisconsin statutes for the purpose of deliberating concerning the case which was the subject of any judicial or quasi judicial trial or hearing before that governmental body. The board will thereafter reconvene in open session pursuant to 19.8, section 19.85 sub two of the Wisconsin statutes to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda. Just note for the record that the only other item on the agenda would be adjournment. So we have a motion and a

second, Attorney Mather would you take a roll call vote on this as to approval of the, or action on this motion?

- You bet, Alder Galvin?

- Yes.

- Chair VandeCastle?

- Yes.

- Ms. Renier-Wigg?

- Yes.

- Mr. Weinschenk?

- Yes.

- Ms. Hathaway?

- Yes.

- All right, so we got a motion and a second, and a roll call to approve going into closed session to discuss this matter further, and it's been approved. So we will adjourn then into closed session. And Attorney Mather, will you put us into the appropriate room here to allow us to do that?

- You bet, just bear with me in just a moment, thanks.

- Certainly.

- Go ahead.

- All right, thank you. We are, I guess, technically still in closed session, but we are finished with our discussions and we are ready to reconvene an open session. So is there a motion to leave closed session?

- Make a motion to leave closed session.

- And is there a second?

- Second.

- All right, we have a motion and a second. Attorney Mather, do you want us to take this by roll call or just by voice vote?

- Just a voice vote is fine.

- Yeah, that's what I thought. All right, so all in favor of returning to open session, please signify by saying aye?

- [Multiple Board Members] Aye.

- Any opposed? Motion carries, so we are now back in open session. So let me give a recitation of where we are here. We've had a discussion concerning the issues that were raised, both the jurisdictional and some of the procedural issues that were raised by the parties in open session before we went into closed session. We've had an extensive discussion and back and forth on this and what we have done is directed Attorney May to put into writing our findings of fact conclusions of law and decision that we will review and then return with a decision based on those findings. So procedurally, what we're going to do is adjourn this meeting tonight, or wait until Attorney May submits to us the, his draft of the findings of fact conclusions law and judgment for us to review, we will meet again in the future after we receive those documents. We'll start off in that meeting, going back into closed session to review attorney May's proposed draft to make sure it's consistent with our discussions from this evening, and then we will come out of open session at that meeting and deliver our decision with the findings of fact and the conclusions. But we want, because of the legal issues that were involved here, we want Attorney May to provide us with the direction in how to respond to those. So that's the course of action that we've decided upon from our closed session discussion. Any comments from the board? Hearing none, I then think we're right for a motion to adjourn.

- I think, sorry just to interject, I think we've previously had like a motion to proceed as directed or for the attorney to proceed as directed in closed session just so we have like a decisive action item on this.

- That's correct.

- All right, So I will make the motion that Attorney May proceed as directed in the closed session and that we move forward on that basis. Is there a second?

- I'll second.

- All right, thank you, Janet. All in favor of, or any further discussion regarding the motion? Hearing none, all in favor of the motion to direct Attorney May to proceed with our discussions based on our

discussion closed session, signify by saying aye.

- [Multiple Board Members In Unison] Aye.

- Any opposed? Hearing none, motion carries. Now, is there a motion to adjourn? We have a motion, is there a second?

- I'll second.

- All right, we have motion and a second. All in favor signify by saying aye.

- [Multiple Board Members In Unison] Aye.

- Very good, we are adjourned. Thank you everyone. We will be back in touch once we have Attorney May's draft and then we will be back in touch with everybody to schedule the next motion or the next meeting of the ethics board. Thank you all very much, and good evening.

- And just a reminder to the ethics board members, we do have a meeting next Thursday same time, same place.

- Yes.

- Thank you all.

- All right, very good, thank you.

- Thank you for your time.



Report to the
Ethics Board
of the City of Green Bay

MEETING DATE

February 10, 2022

PREPARED BY

AGENDA ITEM # E.1

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

The Board 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 Board will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Staudenmaier_Jurisdiction_Final
2. Alder Scannell's Ethics Response
3. Response to Ethics Complaint - Dorff Stevens Galvin
4. Response to EthicsBd Gerlach

1278 Doty St
Green Bay, WI 54301

Celestine Jeffreys
City Clerk
City of Green Bay
100 North Jefferson St.
Green Bay, WI 54301

Subject: Staudenmaier jurisdiction of complaint against Mayor Eric Genrich and Common Council members Barbara Dorff, District 1, Lynn Gerlach, District 3, Bill Galvin, District 4, Craig Stevens, District 5, Randy Scannell, District 7, and Jesse Brunette, District 12's behavior and treatment of citizens at the December 1, 2020 City Council Meeting for agenda item, *N. Report of the Protection & Policy Committee November 16, 2020 AND November 19, 2020*. 6. *To receive and place on file a request by Ald. Galvin, filed on behalf of constituent Brenda Staudenmaier, that the City consider taking fluoride out of the treatment process for the City water. (November 19, 2020) for violating CITY OF GREEN BAY, WISCONSIN CODE OF CONDUCT FOR ELECTED OFFICIALS SECTION 4: Elected Official Conduct Towards the Public in Public Meetings*
A. Be welcoming to Speakers and Treat them with Care and Respect
B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

Dear Ms. Jeffreys:

The Ethics Board should examine the respondents' conduct toward the complainants because of the way the complainants were treated at the December 1, 2020 meeting. The code does not specify nor state that the code only applies if and when the floor is open for public comment. State open records law is irrelevant in this complaint and should not be used to avoid following the city's own code of conduct. The code of conduct is a local provision that governs the conduct of councilors and irrespective of any state law because it is the elected officials own rules of conduct for the treatment of citizens during meetings. The code can only be interpreted as written and arguments based on limitations to this code that are not found in the text of the code itself are not relevant and cannot be relied on to allow the council to avoid its own rules.

Many statements and actions made by the respondents at the meeting potentially violate the city's code of conduct and should be evaluated for violation of the code sections cited. The vote to open the floor was a 6-6 tie which should have been called in favor of public interest because the mayor and council's job is to serve the citizens of Green Bay and the interest of the public who elected them. Three out of four Protection & Policy Committee members voted to open the floor at the December 1, 2020 meeting. The floor was not opened to the complainants after they were led to believe at the Protection & Policy Committee meetings that they would have the opportunity to present to the full council and if anyone did not have the opportunity to speak at the P&P Committee level, they would be able to speak at the full council meeting. Based on this prior representation, dozens of residents waited an hour or more to speak at the December 1, 2020, meeting. During this extending wait, we were not treated with respect for our attempts to participate in our local government decision making, but rather had to listen to council members

belittle us citizens. The ultimate decision not to open the floor turned insult to injury. Many citizens left the meeting dissatisfied with the mayor and council respondents denying them of the ability to participate in the democratic process regarding an issue that is important to the health and wellbeing of all who receive neurotoxic fluoride dosed water from the Green Bay Water Utility. This was the first time in our known history where the floor was not opened to the public with dozens waiting to speak while sitting through council members' discussions denigrating them and their efforts to understand science and public health risks.

Thank you for your time and consideration.

Sincerely,

Brenda Staudenmaier

Alder Scannell's Response to Ethics Inquiry

For the Ethics Board to exercise its duty over a violation of the Code of Ethics, a complainant must state which part of the code and what behavior of an elected official violated the portion of the Code of Conduct stated. The complainants have filed that the defendants violated Section 4 Elected Officials Conduct Towards the Public in Public Meetings (A) Be welcoming to speakers and treat them with care and respect (B) Be fair in and equitable in allocating public hearing time to individual speakers. The complainants state the violating behavior of the defendants was their votes to not open the floor.

In the city's Code of Conduct, Section 4(D) Follow Parliamentary Procedure in Conducting Public Meetings ensures that city officials follow Robert's Rules of Order. Robert's Rules for allowing commentary by public speakers at a meeting are: a motion must be made to suspend the rules and open the floor, a second must be given, and then a vote taken. Nothing in this process guarantees the floor will be opened for a public speaker. There is no violation of our Code of Conduct by not making a motion to open the floor to the public, not seconding such a motion, or voting against opening the floor. With the floor not open, Section 4(A) and 4(B) of our Code of Conduct do not apply to the facts of the case. There are no public speakers if the floor is not opened. It is impossible to not be welcoming or not treat a speaker with care and respect, or to not fairly and equitably allocate hearing time to speakers if the floor is not opened, because there are no speakers.

In their submissions of January 10, 2022, three of the complainants put forth their explanations of why they believe the Ethics Board should have jurisdiction over this case, which I summarize here:

The Council "*should*" have opened the floor and the Ethics Board should exert an "oversight" authority over those who voted to not open the floor.

State law does not apply or should be specifically stated in the Code.

The entire Code of Conduct does not apply only to speakers when the floor is open.

These statements are off point or contrary to the facts of the complaint the complainants filed.

Since the floor was not opened, nothing the complainants argue as being a violation of Sections 4(A) and 4(B) of the Code of Conduct applies to the facts of this case.

The complainants have failed to demonstrate how the Ethics Board could have jurisdiction over how the defendants, who appropriately followed Robert's Rules of Order, violated our Code of Conduct. The Ethics Board therefore has no jurisdiction in this matter and the complaint should be dismissed.

January 22, 2022

From:

Alderwoman Barbara Dorff
Alderman William Galvin
Alderman Craig Stevens

Response to the submissions concerning the Ethics Board's jurisdiction to hear the complaints of Ms. Staudenmaier, Ms. Kuehl, and Mr. Decker.

The City of Green Bay Municipal Code 2-27 gives authority to Robert's Rules of order to govern City Council in all cases in which they are applicable. (See citation below) Robert's Rules of Order clearly grants the Common Council the prerogative to choose whether or not to open the floor for public discussion. The vote not to open the floor was taken in public and reported accurately. Wisconsin Open Meeting Law does not require a governmental body to allow members of the public to speak or actively participate in an open session meeting. The law only grants citizens the right to attend and observe open meetings. (See citation below)

The Ethics Board has no authority to hear this case. Since no public discussion actually took place, no member of the Council can be found "disrespectful" or "unwelcoming" to the public. This complaint has no merit on its face.

As a private citizen, do I have a right to speak at my city council's public meetings?

Answer: The Wisconsin Open Meetings Law acknowledges the public is entitled to the fullest and most complete information regarding government affairs as long as it does not hinder the conduct of governmental business. All meetings of governmental bodies, such as a city council, shall be held publicly and be open to all citizens at all times unless otherwise expressly provided by law. *The open meetings law does not require a governmental body to allow members of the public to speak or actively participate in an open session meeting. The law only grants citizens the right to attend and observe open meetings.*

However, the law permits a governmental body to set aside a portion of an open meeting as a public comment period. While public comment periods are not required, if a governmental body decides to have such a comment period, it must be included in the meeting notice.

There are other state statutes—other than the open meetings law—that require governmental bodies to hold public hearings regarding certain matters. *Unless such a statute specifically applies, a governmental body has wide discretion over any public comment period it chooses to permit.* Besides the discretion over whether to allow public comments at all, a body also has discretion to decide to what extent it will allow public participation. For example, a governmental body can limit how much time each citizen may speak.

January 22, 2022

If a governmental body permits a public comment period, it may receive information from the public, and it may discuss any subject raised by a member of the public. A body may not take any formal action on such a subject unless it was identified in the body's meeting notice. If a citizen raises a subject that is not included on the meeting notice, it may be advisable for the body to limit substantive discussion on the subject until a subsequent meeting in which the body can include the subject on the meeting notice.

<https://www.doj.state.wi.us/office-open-government/ask-the-oog/private-citizen-do-i-have-right-speak-my-city-council%E2%80%99s-public>

ARTICLE II. - COMMON COUNCIL

Sec. 2-27. - Rules of Council procedure.

(a)

Robert's Rules of Order, Newly Revised. The rules of parliamentary practice comprised in "Robert's Rules of Order, Newly Revised" shall govern the Council in all cases in which they are applicable, except when they are inconsistent with state laws or rules contained in this chapter.

January 23, 2022

TO: Ethics Board, City of Green Bay

FR: Lynn Gerlach, Alder, District 3

RE: Statements regarding the Ethics Board's jurisdiction to hear the complaints of Ms. Staudenmaier, Ms. Kuehl, and Mr. Decker.

The Ethics Board has no authority to hear this case. Since no public discussion took place, no member of the Council can be found "disrespectful" or "unwelcoming" to the public. This complaint has no merit on its face, as explained below in Parts I and II.

PART I: The Vote

The City of Green Bay Municipal Code 2-27 gives authority to Robert's Rules of order to govern City Council in all cases in which they are applicable (see below). Robert's Rules of Order clearly grants the Common Council the prerogative to choose whether to open the floor for public discussion. The vote not to open the floor was taken in public and reported accurately. **Wisconsin Open Meeting Law does not require a governmental body to allow members of the public to speak or actively participate in an open session meeting.** The law grants citizens only the right to attend and observe open meetings. (See below)

Per Wisconsin Department of Justice:

As a private citizen, do I have a right to speak at my city council's public meetings?

*Answer: The Wisconsin Open Meetings Law acknowledges the public is entitled to the fullest and most complete information regarding government affairs as long as it does not hinder the conduct of governmental business. All meetings of governmental bodies, such as a city council, shall be held publicly and be open to all citizens at all times unless otherwise expressly provided by law. **The open meetings law does not require a governmental body to allow members of the public to speak or actively participate in an open session meeting. The law only grants citizens the right to attend and observe open meetings.***

However, the law permits a governmental body to set aside a portion of an open meeting as a public comment period. While public comment periods are not required, if a governmental body decides to have such a comment period, it must be included in the meeting notice.

*There are other state statutes—other than the open meetings law—that require governmental bodies to hold public hearings regarding certain matters. **Unless such a statute specifically applies, a governmental body has wide discretion over any public comment period it chooses to permit.** Besides the discretion over whether to*

allow public comments at all, a body also has discretion to decide to what extent it will allow public participation. For example, a governmental body can limit how much time each citizen may speak.

If a governmental body permits a public comment period, it may receive information from the public, and it may discuss any subject raised by a member of the public. A body may not take any formal action on such a subject unless it was identified in the body's meeting notice. If a citizen raises a subject that is not included on the meeting notice, it may be advisable for the body to limit substantive discussion on the subject until a subsequent meeting in which the body can include the subject on the meeting notice.

ARTICLE II. - COMMON COUNCIL

Sec. 2-27. - Rules of Council procedure.

(a) Robert's Rules of Order, Newly Revised. The rules of parliamentary practice comprised in Robert's Rules of Order, Newly Revised shall govern the Council in all cases in which they are applicable, except when they are inconsistent with state laws or rules contained in this chapter.

PART II: My Testimony

In response to the allegation that, at the December 1, 2020, Council meeting, “we listened to insults and false accusations hurled by Alder Gerlach,” I wish to remind the Board that I spoke from written notes (extant), compiled over several weeks on the basis of:

- Review of 148 emails sent me by the public, including follow-up and study of all sources the writers referenced in their emails
- An exhaustive review of the available studies on Community Water Fluoridation
- Dialogue with a respected pediatrician at Wisconsin Children’s Hospital
- Dialogue with Green Bay’s Water Utility Manager

Please note, in addition, that **I mentioned no names and made no *ad hominem* attacks.** While I began my study quite convinced that the complainants’ position *against* fluoride was *correct*, I submit that the conclusion I reached, after all my research and study, simply did not support the assertion that CWF is harmful and should be curtailed. My testimony *did* reflect those thoughtful, objective findings, which were, I’m afraid, contrary to the complainants’ position.

And please note further that I had attended each committee meeting in its entirety and listened respectfully to all public testimony prior to attending the Common Council meeting of December 1. **Nothing about my testimony violated the letter or the spirit of the city’s Code of Conduct.** It simply happens that I was the only new alder on the Council and, therefore, the only one who conducted research and provided extensive testimony at the meeting.



Report to the
Ethics Board
of the City of Green Bay

MEETING DATE

February 10, 2022

PREPARED BY

AGENDA ITEM # E.2

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

The Board 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 Board will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Flouridation Ethics Complaint 2022-01-10 Decker Re Weinschenk
2. Response to EthicsBd Gerlach
3. Alder Scannell's Ethics Response
4. Response to Ethics Complaint - Dorff Stevens Galvin

January 10th, 2022

From:

Keith Decker

2821 Bristol Mountain Trl.

Green Bay, WI 54313

keithjdecker@gmail.com

(920) 639-9955

To:

City Clerk Celestine Jeffreys, Vice Chair Weinschenk, City Council members, and any relevant party

City of Green Bay

100 North Jefferson St.

Green Bay, WI 54301

Ethics Complaint, Re: Mr. Weinschenk's jurisdictional questions

November 30th 2021 I filed an ethical complaint regarding the city council meeting of December 1st 2020 and the committee meetings leading up to that. The intended purpose of my complaint is to state that the council members have mishandled the fluoridation issue, first and foremost with the subject itself, and secondly in the way they dealt with the people involved.

Included in the complaint was the notion that it would be in violation of the City of Green Bay WI Code of Conduct for Elected Officials, Section 4, as I believe it could easily enough be read that way. To me, this reference to legal wording is a technicality, ethically secondary to the crux of the complaint. But for what it's worth I'll make an effort to address it, per Mr. Weinschenk's request for clarification.

The events in question are not limited to December 1st, when the council chose not to open the floor, so to limit the scope of things to that would be a mischaracterization of my ethical complaint. However in response to that Dec 1 meeting, the contention is not whether they would be *able* to deny the public that day, but whether they *should* have. Alderman Wery said he was "disgusted" with their behavior. Alderman Brunette was "ashamed". Dozens of people there were very upset, as were others who heard of the event. Does that sound like something which was without doubt handled correctly?

There is a reason there were so many people in attendance ready to speak that day. It wasn't just on the hope that they'd hear us, but rather an expectation. It was reasonably presumed by many that in order to deal with this very important issue, everyone should be involved, with the full council, and all the speakers, many of whom were not able to be a part of the committee meetings.

It was my understanding, along with others, that the procedure for addressing this very important issue would be to treat the committee meetings as a preliminary investigation involving a minority of the council who would have some background when jumping into the actual in-depth discussion with everyone at the full council meeting. This appeared to be what was indicated by the committee members throughout the meetings, and indeed was the expectation of some council members when we asked.

Instead, on December 1st we were met with obstinate denial by people who had made up their minds, and who turned away from serious engagement with the public who they purport to represent. As previously said, "We were fortunate enough to have world renowned experts in attendance, ready to share their wealth of knowledge." An appropriate handling of the issue would certainly involve lengthy discussion with those experts.

Knowing that all those people were in attendance, I would not say that they fulfilled what's described in Section 4, that they "Be welcoming to speakers and treat them with care and respect." Instead, we listened to insults and false accusations hurled by Alder Gerlach, to which we were unable to respond, alongside Alderman Scannell angrily shouting about how it should not be their responsibility to deal with this issue, and that "as citizens we should not care what the science is." This couldn't be more derelict of duty. As citizens we are the ones directly affected by fluoridation, and as council members they are exactly the ones responsible for it. It is the Green Bay City Council which began fluoridation, it is they who are continuing it, and it is they who have the authority to end it.

Section 4 also describes that the council be "equitable in allocating public hearing time to individual speakers." The legal dictionary at USLegal.com describes "equitable" in a way which means to apply interactions appropriate to particular individuals rather than only engaging each person in the same limited capacity. This is exemplified in how "equitable" describes differentiation of circumstances and individual treatment in cases such as divorce settlements where each party is not merely granted the same 50/50 portion.

In other words, the world's foremost authorities on the subject would deserve thorough engagement in discourse, rather than a three minute soundbyte for those able to make the committee meetings and silence for all those denied at the council meeting.

"Equitable" is also defined as relating to "substantive law" where "substantive rights are protected from the procedural errors of litigation." It is stated, "Substantive rights are basic human rights possessed by people in an ordered society and include rights granted by natural law as well as the substantive law."

I consider it a basic human right granted by natural law, that each person owns their own body and must be free from violation enacted by another against them. When someone, in government or

otherwise, intentionally forces a drug into the body of another person against their will, they commit a moral crime. If anyone is concerned with ethics, they need to realize that vile act for what it is, regardless of who attempts to normalize what intrinsically violates human rights. It is inherently wrong to act as if you own the body of another person, and to intentionally force something into their body against their will.

When I was quoted in the newspaper, saying this is “intolerably immoral”, I was speaking of the intentional drugging of a person, and an entire population, against their express will, and with detriment to their health, either perceived in general or verified individually. That is what my ethical complaint is fundamentally about, undergirding the complaint that those in power have mishandled it all.

This is fluorosilicic acid acquired as industrial toxic waste from aluminum factories and fertilizer manufacturing, contaminated with heavy metals, shown by LD50 data to be more toxic than lead, and shown by many, many studies, including very recent high quality science, to be substantially harmful across a broad spectrum of health measures, especially for vulnerable groups of people. This is not ethical.

If the council charged with governance of society does not recognize this, then that government is broken. If the board of ethics charged with its oversight also fails to recognize this, then again government is broken.

Hopefully one day things will change.

Sincerely,

Keith Decker

January 23, 2022

TO: Ethics Board, City of Green Bay

FR: Lynn Gerlach, Alder, District 3

RE: Statements regarding the Ethics Board's jurisdiction to hear the complaints of Ms. Staudenmaier, Ms. Kuehl, and Mr. Decker.

The Ethics Board has no authority to hear this case. Since no public discussion took place, no member of the Council can be found "disrespectful" or "unwelcoming" to the public. This complaint has no merit on its face, as explained below in Parts I and II.

PART I: The Vote

The City of Green Bay Municipal Code 2-27 gives authority to Robert's Rules of order to govern City Council in all cases in which they are applicable (see below). Robert's Rules of Order clearly grants the Common Council the prerogative to choose whether to open the floor for public discussion. The vote not to open the floor was taken in public and reported accurately. **Wisconsin Open Meeting Law does not require a governmental body to allow members of the public to speak or actively participate in an open session meeting.** The law grants citizens only the right to attend and observe open meetings. (See below)

Per Wisconsin Department of Justice:

As a private citizen, do I have a right to speak at my city council's public meetings?

*Answer: The Wisconsin Open Meetings Law acknowledges the public is entitled to the fullest and most complete information regarding government affairs as long as it does not hinder the conduct of governmental business. All meetings of governmental bodies, such as a city council, shall be held publicly and be open to all citizens at all times unless otherwise expressly provided by law. **The open meetings law does not require a governmental body to allow members of the public to speak or actively participate in an open session meeting. The law only grants citizens the right to attend and observe open meetings.***

However, the law permits a governmental body to set aside a portion of an open meeting as a public comment period. While public comment periods are not required, if a governmental body decides to have such a comment period, it must be included in the meeting notice.

*There are other state statutes—other than the open meetings law—that require governmental bodies to hold public hearings regarding certain matters. **Unless such a statute specifically applies, a governmental body has wide discretion over any public comment period it chooses to permit.** Besides the discretion over whether to*

allow public comments at all, a body also has discretion to decide to what extent it will allow public participation. For example, a governmental body can limit how much time each citizen may speak.

If a governmental body permits a public comment period, it may receive information from the public, and it may discuss any subject raised by a member of the public. A body may not take any formal action on such a subject unless it was identified in the body's meeting notice. If a citizen raises a subject that is not included on the meeting notice, it may be advisable for the body to limit substantive discussion on the subject until a subsequent meeting in which the body can include the subject on the meeting notice.

ARTICLE II. - COMMON COUNCIL

Sec. 2-27. - Rules of Council procedure.

(a) Robert's Rules of Order, Newly Revised. The rules of parliamentary practice comprised in Robert's Rules of Order, Newly Revised shall govern the Council in all cases in which they are applicable, except when they are inconsistent with state laws or rules contained in this chapter.

PART II: My Testimony

In response to the allegation that, at the December 1, 2020, Council meeting, “we listened to insults and false accusations hurled by Alder Gerlach,” I wish to remind the Board that I spoke from written notes (extant), compiled over several weeks on the basis of:

- Review of 148 emails sent me by the public, including follow-up and study of all sources the writers referenced in their emails
- An exhaustive review of the available studies on Community Water Fluoridation
- Dialogue with a respected pediatrician at Wisconsin Children’s Hospital
- Dialogue with Green Bay’s Water Utility Manager

Please note, in addition, that **I mentioned no names and made no *ad hominem* attacks.** While I began my study quite convinced that the complainants’ position *against* fluoride was *correct*, I submit that the conclusion I reached, after all my research and study, simply did not support the assertion that CWF is harmful and should be curtailed. My testimony *did* reflect those thoughtful, objective findings, which were, I’m afraid, contrary to the complainants’ position.

And please note further that I had attended each committee meeting in its entirety and listened respectfully to all public testimony prior to attending the Common Council meeting of December 1. **Nothing about my testimony violated the letter or the spirit of the city’s Code of Conduct.** It simply happens that I was the only new alder on the Council and, therefore, the only one who conducted research and provided extensive testimony at the meeting.

Alder Scannell's Response to Ethics Inquiry

For the Ethics Board to exercise its duty over a violation of the Code of Ethics, a complainant must state which part of the code and what behavior of an elected official violated the portion of the Code of Conduct stated. The complainants have filed that the defendants violated Section 4 Elected Officials Conduct Towards the Public in Public Meetings (A) Be welcoming to speakers and treat them with care and respect (B) Be fair in and equitable in allocating public hearing time to individual speakers. The complainants state the violating behavior of the defendants was their votes to not open the floor.

In the city's Code of Conduct, Section 4(D) Follow Parliamentary Procedure in Conducting Public Meetings ensures that city officials follow Robert's Rules of Order. Robert's Rules for allowing commentary by public speakers at a meeting are: a motion must be made to suspend the rules and open the floor, a second must be given, and then a vote taken. Nothing in this process guarantees the floor will be opened for a public speaker. There is no violation of our Code of Conduct by not making a motion to open the floor to the public, not seconding such a motion, or voting against opening the floor. With the floor not open, Section 4(A) and 4(B) of our Code of Conduct do not apply to the facts of the case. There are no public speakers if the floor is not opened. It is impossible to not be welcoming or not treat a speaker with care and respect, or to not fairly and equitably allocate hearing time to speakers if the floor is not opened, because there are no speakers.

In their submissions of January 10, 2022, three of the complainants put forth their explanations of why they believe the Ethics Board should have jurisdiction over this case, which I summarize here:

The Council "*should*" have opened the floor and the Ethics Board should exert an "oversight" authority over those who voted to not open the floor.

State law does not apply or should be specifically stated in the Code.

The entire Code of Conduct does not apply only to speakers when the floor is open.

These statements are off point or contrary to the facts of the complaint the complainants filed.

Since the floor was not opened, nothing the complainants argue as being a violation of Sections 4(A) and 4(B) of the Code of Conduct applies to the facts of this case.

The complainants have failed to demonstrate how the Ethics Board could have jurisdiction over how the defendants, who appropriately followed Robert's Rules of Order, violated our Code of Conduct. The Ethics Board therefore has no jurisdiction in this matter and the complaint should be dismissed.

January 22, 2022

From:

Alderwoman Barbara Dorff
Alderman William Galvin
Alderman Craig Stevens

Response to the submissions concerning the Ethics Board's jurisdiction to hear the complaints of Ms. Staudenmaier, Ms. Kuehl, and Mr. Decker.

The City of Green Bay Municipal Code 2-27 gives authority to Robert's Rules of order to govern City Council in all cases in which they are applicable. (See citation below) Robert's Rules of Order clearly grants the Common Council the prerogative to choose whether or not to open the floor for public discussion. The vote not to open the floor was taken in public and reported accurately. Wisconsin Open Meeting Law does not require a governmental body to allow members of the public to speak or actively participate in an open session meeting. The law only grants citizens the right to attend and observe open meetings. (See citation below)

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However, the law permits a governmental body to set aside a portion of an open meeting as a public comment period. While public comment periods are not required, if a governmental body decides to have such a comment period, it must be included in the meeting notice.

There are other state statutes—other than the open meetings law—that require governmental bodies to hold public hearings regarding certain matters. *Unless such a statute specifically applies, a governmental body has wide discretion over any public comment period it chooses to permit.* Besides the discretion over whether to allow public comments at all, a body also has discretion to decide to what extent it will allow public participation. For example, a governmental body can limit how much time each citizen may speak.

January 22, 2022

If a governmental body permits a public comment period, it may receive information from the public, and it may discuss any subject raised by a member of the public. A body may not take any formal action on such a subject unless it was identified in the body's meeting notice. If a citizen raises a subject that is not included on the meeting notice, it may be advisable for the body to limit substantive discussion on the subject until a subsequent meeting in which the body can include the subject on the meeting notice.

<https://www.doj.state.wi.us/office-open-government/ask-the-oog/private-citizen-do-i-have-right-speak-my-city-council%E2%80%99s-public>

ARTICLE II. - COMMON COUNCIL

Sec. 2-27. - Rules of Council procedure.

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Report to the
Ethics Board
of the City of Green Bay

MEETING DATE

February 10, 2022

PREPARED BY

AGENDA ITEM # E.3

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

The Board 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 Board will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Kuehl Ethics Letter response
2. Response to EthicsBd Gerlach
3. Alder Scannell's Ethics Response
4. Response to Ethics Complaint - Dorff Stevens Galvin

815 Gross Ct
Green Bay, WI 54304
LDornaus@hotmail.com

01/09/2022

Dear Committee Members:

This letter is in response to the complaint filed November 30th, 2021 for Elected Official Conduct towards the public in the public meetings.

During our meeting December 14, 2021 Mr. Weinschenk stated we need to submit a response by January 10, 2022 and address the response to:

- A. Be welcoming to Speakers and Treat them with Care and Respect .
- B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

How do they apply at the state level?

Mr. Weinschenk states the response is to address only the jurisdictional issue.

I have read the Whole code of Conduct for Elected Officials and do not see the state level nor the jurisdictional direction that would come from the state level referenced in the Ethics Committee document. Therefore the document does not address what you are stating.

If there is going to be direction from the state level it should be noted in the document clearly for the public to see, as well as a resource available to direct interested citizens to review.

The Wisconsin State Statute information was provided with the minutes for the 12/14/2021 meeting. It is addressed for the ethics committee but it is not cited in that document.

Additionally when the meeting was called to order on 12/01/2020 council should have stated initially that the floor would not be open for the Fluoride issue. Some of the public waited an hour to speak on the topic.

Communication and information for the City Council Code of Conduct needs to be clear and easy to comprehend for all citizens and all languages in Green Bay Wisconsin.

Regards,

Lacey Kuehl RN, BSN

January 23, 2022

TO: Ethics Board, City of Green Bay

FR: Lynn Gerlach, Alder, District 3

RE: Statements regarding the Ethics Board's jurisdiction to hear the complaints of Ms. Staudenmaier, Ms. Kuehl, and Mr. Decker.

The Ethics Board has no authority to hear this case. Since no public discussion took place, no member of the Council can be found "disrespectful" or "unwelcoming" to the public. This complaint has no merit on its face, as explained below in Parts I and II.

PART I: The Vote

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Per Wisconsin Department of Justice:

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allow public comments at all, a body also has discretion to decide to what extent it will allow public participation. For example, a governmental body can limit how much time each citizen may speak.

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ARTICLE II. - COMMON COUNCIL

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PART II: My Testimony

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Please note, in addition, that **I mentioned no names and made no *ad hominem* attacks.** While I began my study quite convinced that the complainants’ position *against* fluoride was *correct*, I submit that the conclusion I reached, after all my research and study, simply did not support the assertion that CWF is harmful and should be curtailed. My testimony *did* reflect those thoughtful, objective findings, which were, I’m afraid, contrary to the complainants’ position.

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Alder Scannell's Response to Ethics Inquiry

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January 22, 2022

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Alderwoman Barbara Dorff
Alderman William Galvin
Alderman Craig Stevens

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January 22, 2022

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<https://www.doj.state.wi.us/office-open-government/ask-the-oog/private-citizen-do-i-have-right-speak-my-city-council%E2%80%99s-public>

ARTICLE II. - COMMON COUNCIL

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Report to the
Ethics Board
of the City of Green Bay

MEETING DATE

February 10, 2022

PREPARED BY

AGENDA ITEM # E.4

Scheduling of future proceedings.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Ethics Board
of the City of Green Bay

MEETING DATE

February 10, 2022

PREPARED BY

AGENDA ITEM # F.1

Benjamin Khademi voluntarily withdrew his ethics complaint against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Khademi Voluntary Withdrawal

Lindsay Mather

From: ben khad <benjamink982@gmail.com>
Sent: Thursday, January 6, 2022 10:35 AM
To: Lindsay Mather
Subject: Re: Ethics Board Meeting - Scheduling
Attachments: image002.jpg

Hi Lindsay,

I will be withdrawing my complaint, and no longer pursuing these proceeding due to personal reasons.

Kind regards.

Benjamin Khademi

On Thu, Dec 30, 2021, 8:12 AM Lindsay Mather <Lindsay.Mather@greenbaywi.gov> wrote:

Good morning,

I received an important follow-up question so I wanted to add to my initial request from yesterday.

Please provide me with two pieces of information:

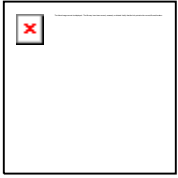
1. **What dates DO NOT work for you** in the whole month of February?
2. Ethics Board meetings will typically start between 5pm and 6:30pm on whatever date is chosen. **What time works best for you?**

Please reach out to me directly with any follow up questions.

Thank you,

Lindsay

Lindsay Mather



Assistant City Attorney

City of Green Bay

920.448.3080

greenbaywi.gov/law

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From: Lindsay Mather

Sent: Wednesday, December 29, 2021 3:45 PM

To: dlenz@lawforward.org; Kimber Rollin <rollinhillsfeatherfarm@gmail.com>; Brenda Staudenmaier <thelovelybrenda@gmail.com>; ben khad <benjamink982@gmail.com>; keithjdecker@gmail.com; ldornaus@hotmail.com

Cc: Michael P. May <MMay@boardmanclark.com>; Joanne Bungert <Joanne.Bungert@greenbaywi.gov>

Subject: Ethics Board Meeting - Scheduling

Good afternoon,

You are receiving this because you are either a party (or party's representative) to one of the complaints currently before the Ethics Board, or you are a member of the Board itself. (Elected officials and members of the Board are BCC'd on this email to avoid potential open meetings law issues.) I am reaching out concerning scheduling the next meeting(s) of the Board.

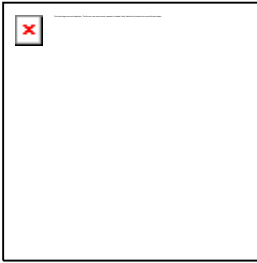
At your earliest convenience, please reply to this email with a list of all dates in February 2022 on which you are NOT available.

Thank you,

Lindsay

Lindsay Mather

Assistant City Attorney



City of Green Bay

100 N. Jefferson St., Rm 200

Green Bay, WI 54301

920.448.3080

920.448.3081 (fax)

greenbaywi.gov/law

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