



MINUTES OF THE ETHICS BOARD

THURSDAY, FEBRUARY 10, 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 10, 2022 Ethics Board meeting.

Moved by Staff Cheryl Renier-Wigg, 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 for the December 14, 2022 Ethics Board meeting (held from 2/3/2022 meeting).

Moved by Aaron Weinschenk, seconded by Board Member William VandeCastle to approve the minutes, noting that the agenda item should state December 14, 2021, not 2022.

Motion Passed.

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

2. Approval of the Minutes for the February 3, 2022 Ethics Board meeting.

Moved by Staff Cheryl Renier-Wigg, seconded by Board Member William VandeCastle to approve.
Motion Passed.

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

E. REGULAR BUSINESS.

Chair Vande Castle restates his recusal on all three items. Alder Galvin states that he is recusing himself from these three items.

Moved by Staff Cheryl Renier-Wigg, seconded by Janet Hathaway to suspend the rules to take up items 1 through 3 together.

Motion carried.

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

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.

Moved by Aaron Weinschenk, seconded by Janet Hathaway to enter closed session.

Motion Passed.

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

Moved by Aaron Weinschenk, seconded by Staff Cheryl Renier-Wigg to return to regular session.

Motion Passed.

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

Moved by Aaron Weinschenk, seconded by Staff Cheryl Renier-Wigg to direct staff to proceed as directed in closed session..

Motion Passed.

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

The Board will reconvene on February 24, 2022, at 5pm to issue its decisions.

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.

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.

Items considered together. See Item I.

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.

Items considered together. See Item I.

4. Scheduling of future proceedings.

F. INFORMATIONAL.

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

G. ADJOURNMENT.

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

Motion Passed.

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

VERBATIM MINUTES

- All right, good evening everyone. This is the City of Green Bay Ethics Board meeting for Thursday, February 10, 2022. It is five o'clock or a little after, and we're calling the meeting to order tonight, the agenda's been published, and we've got roll call. It appears that we have an agenda, excuse me, we've got a quorum for tonight. So we'll move on to item C on the agenda, and that is approval of the agenda for the February 10, 2022 Ethics Board meeting. Is there a motion to approve?

- Motion to approve.

- We have a motion, is there a second?

- Second.

- We have a motion and a second. Any additions or corrections to the current agenda? Hearing none, all in favor of approval signify by saying aye.

- [All] Aye.

- The motion carries. Sorry, any opposed? Motion carries, all right, moving on to approval of the minutes, we have two sets of minutes to approve tonight. The first one is approval of the minutes for the December 14th, 2022 Ethics Board meeting that was held on February 3rd, 2022. Those minutes were provided, any additions or corrections to those minutes? Hearing none, is there a motion to approve?

- So moved.

- And I will second that motion. Again, any further questions or discussion regarding those minutes? Otherwise if all are in favor signify by saying aye for approval.

- Aye.

- Aye.

- Clarification.

- Yes.

- December 14th, 2022 hasn't happened yet.

- I'm sorry, that should be 2021. Sorry.

- Thank you Alder.

- I'm just reading and not thinking. Good point, thank you. So that's the clarification, it is the minutes from December 14th, 2021 that we are approving tonight. Again with that correction all in favor, signify by saying aye.

- Aye.

- Aye.

- Aye.

- Aye.

- Any opposed, motion carries. Moving onto item number two, approval of minutes of the February 3rd, 2022 Ethics Board meeting. And those also were in your Packet, any additions or corrections to that set of minutes? Hearing none, is there a motion to approve?

- Motion to approve.

- And I will second that one as well. So again, any further discussion or questions? Hearing none, all in favor of approval of the minutes of the February 3rd, 2022 Ethics Board meeting, signify by saying aye.

- Aye.

- Aye.

- Aye.

- Aye.

- Any opposed, motion carries. All right, since the issues before this board came up at the December board meeting, and I recused myself, I will step aside and turn this over to Commissioner Weinschenk to take over and run the meeting from this point forward. Thank you all very much and have a good evening.

- Thanks Bill, Alder Galvin do you want to talk about recusal right away or?

- Sure, let's get that out the way.

- Okay.

- Yes after, well obviously, since I'm the focus, one of the focuses of this complaint, I don't think it would be proper for me to be sitting in judgment of myself and anyone else that's involved with this. So I'm officially recusing myself.

- Okay, just for the record then, Bill Vande Castle has recused himself Alder Galvin, that leaves Cheryl, Janet and Erin, which we still have a quorum, we're moving on to item E on the agenda, which is regular business. And just one kind of thought on a way forward, one of the things we could do is we could have a motion to suspend the rules so that we could handle all of these simultaneously rather than taking up each item, going into closed session, deliberating coming back, taking up the next item. So it might be a more streamlined process given the fact that all the complaints are citing the same sections of the Code, the facts are the same, the jurisdiction is the same. So the law department tells me that would require a two thirds vote, so we could have a motion a second to the vote, and then we would be able to take all of the items up without going back and forth between deliberations and open session, and taking up a lot of time. So that's a question for the board before we dive into the items there.

- We would need to move, second, and then discuss, correct?

- Yep.

- Okay, I'll go ahead and move that we consider the items collectively.

- Second that.

- And all in favor signal by saying aye.

- Well, do we wanna...

- I think you need to vote on it before you can discuss, I think.

- I think let's discussed after, vote second, right?

- Okay.

- I see some of the aldermen shaking their heads.

- I don't have to be vice chair of this committee very frequently. In fact, I don't think I've ever had to be vice chair it is so exceptionally rare, hence my limited experience with Robert's Rules. So any discussion, reaction to that idea?

- Is this a recommendation from law that the issues are so similar that we could really discuss them all together? Or do we think are the answers different enough that they should be handled separately, than the responses?

- So the underlying facts are essentially that the council voted not to go into closed session. And then the questions of jurisdiction are going to be based on the same, like Chair Weinschenk said that the same provisions of the Code of Conduct. So my position is that they are similar enough that they can be taken up together at this stage for the purpose of resolving the jurisdictional question. If it proceeds to an evidentiary hearing, obviously we would need to consider each of those individually.

- Okay.

- I think it'll make the easier, it'll save us time, rather than having to keep going back and forth. I think I would be in favor of it.

- Okay, so there's a motion.

- There's a motion and a second, all in favor signify by saying aye.

- Aye.

- Aye.

- Opposed, and the motion carries. All right, so we will move to discussion of possible deliberation, action on ethics complaint filed by Brenda Staudenmaier over the City of Green Bay Code of Conduct for elected officials against Mayor Genrich, Alders Brunette, Scannell, Stevens, Galvin, Gerlach and Dorff. And I think the way to proceed is, we can let the people who have filed complaints clarify or elaborate on anything, and then we can have questions, and then we can let anyone who would like to respond, respond. But what I wanna do is, we've read all of the materials that have been submitted, and so I don't think we need a huge amount of time. And I also wanna make the point that this should be limited to the jurisdiction questions we asked, this isn't a point to discuss pros and cons of the substantive issue. So I think we can restrict the amount of time to five minutes, I think that would be reasonable. Of course, you don't have to say anything if you think writing is sufficient the same goes for those who've responded, if you wanna say something, that's totally fine. If you wanna say something as a group and have one person speak, that's also fine. So I think we can allow Brenda her five minutes or as little, or as much of that as you want, then we'll move to Keith and Lacey is not here, she indicated that her written was sufficient so she doesn't want to comment or doesn't need to comment. So we'll start with Brenda, we'll move to the next one.

And we can have any questions from board members and questions from anyone who'd like to respond. So I'll turn it over to Brenda, if there's anything you wanna say, elaborate on, comment on.

- Sure.

- Do we need a motion to open the floor?

- I don't think we did last time.

- Lindsay?

- That is a very good question.

- I think last time we just turned it over to the speaker.

- Okay.

- I think that's right.

- Yeah.

- So I can talk. I did prepare a bit that I'll just state. Thank you everyone who took time out of their schedule today. So all I'm asking is for a proper ethics review of the Code of Conduct based on the December 1st, 2020 meeting, when it came to the agenda item brought forward by myself, that the city consider taking fluoride out of the treatment process of the city water. I would like to see the Ethics Board examine the respondent's conduct towards us complainant because we do not believe that we were treated fairly at the meeting and the Code of Conduct should be examined for violation. I understand Robert's Rules of Order grants common counsel the privilege to choose whether or not to open the floor for public discussion. This does not mean that it is okay for council to vote six to six to not open the floor, then take turns shaming and berating those of us who showed up, and the scientists who find fluoride is harmful to human health at the levels added by our local water utility. I understand that we are not here to discuss water fluoridation, but whether or not the mayor and the six council members violated the City Code of Conduct. The city Code of Conduct for elected officials, Section four parts A and B 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 counselors 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 counsel 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 six to six tie, which I believe should have been called in favor of public interest because the mayor and council's job is to serve the public and welcome them to the democratic process. Out of four of the Protection and Policy Committee members who listen to hours of committee level testimony, voted to open the floor at the December 1st meeting. The floor was not open to us complaintants after we were led to believe at the Protection and Policy Committee meetings, that we would have the opportunity to the full

council. And if anybody did not have the opportunity to speak at the P and 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 1st meeting. During this extending wait, we were not treated with respect for our attempts to part in local government decision, but rather we had to listen to council members belittle us. The ultimate decision not to open the floor turned insult to injury, and many citizens left the meeting dissatisfied with the mayor and council respondents denying them the ability to participate in the democratic process regarding an issue that is important to the health and wellbeing of all who receive a neuro-toxicant added to the water by the Green Bay Water Utility. This was the first time in our known history when the floor was not open to public, with dozens waiting to speak. While we had to sit through council members criticizing our issue and shaming us and our efforts to understand the science and public health risks. I appreciate you taking the time to give your attention to this ethics complaint, and I look forward to providing specific evidence of violation when we proceed further, thank you.

- All right, I think we can see if there are any questions from any of the board members and then allow for responses, and then move on to the next complainant. Does that sound reasonable? So any questions from any members of the Ethics Board?

- I have a question for you Brenda, if you could. You've mentioned specifically how council members berated you, or shamed you, can you give me specific example? I mean, it almost... When I read through your response, it was almost the fact that that floor wasn't open. We was disrespectful, but I'm wondering, it sounded to me like there was more with regards to that.

- Yeah, let me see if I can find... If you go through the meeting minutes from the December 1st meeting, Randy Scannell specifically says like, shame on you, your not a scientist. I forget the exact wording, I would have to find the meeting minutes. Sorry, I wasn't prepared to pull out evidence yet.

- Was that the, you remember was that the only example?

- That was a big one. I think I handed in the meeting minutes. Does anybody recall with the original complaint possibly?

- I mean, I recall I was actually at that meeting, that council meeting. And I do recall Alder Gerlach, I think she, I feel like she read a statement at that meeting. Just kind of explaining how she felt about that. I guess I didn't, at the time I didn't think of that as being disrespectful. Did you think that was disrespectful? Is that part of this complaint that you made?

- No, in my original complaint Rick North from... Let's see exactly his title from the, he's the former executive vice president of the Oregon American Cancer Society. He specifically, I think I submitted four points where Alder Gerlach basically misrepresented.

- Brenda I guess that's not, the complaint is from you. So my question is not with regards to the data, or any evidence, or anything, I'm really looking towards how you're considering that disrespectful, I guess. I mean, because you can be disagreed with respectfully? An Alder can say, I don't agree with you.

- But she gave a lot of false information.

- That's not really for us.

- And I pointed it out.

- Brenda, that's not for us to decide at this meeting we're not researching this issue, this fluoride issue, I'm really kind of looking at... For me, I'm looking at how you were treated at that council meeting. And that's what I'm asking you a guess, is for a better clarification with regards to that personal treatment you received.

- Sure I mean, I would have to go through the exact meeting minutes again, and I can't find them right now.

- I have a question, so you cite two sections that you think are violated. Section A, be welcoming to speakers and treat them with care, respect. Section B, be fair and equitable in allocating public hearing time to individual speakers. The floor wasn't opened, which the council is not obligated to do, and state open records laws are relevant, even though they're not in the Code, right? We're in a system where state law preempts local law, it applies to localities, federal law is supreme to state laws and local laws. So there's no obligation to open the floor. If there's no obligation and they follow the proper procedures then there's no speakers, so how can there be any violations of these sections when there weren't any speakers? If you're not, if the floor's not open there are no speakers. If you're sitting in the audience, you're a potential speaker, right? You haven't been recognized. So how can there be violations of sections of Code when...

- Should council still be able to berate us the way they did?

- But you're not a speaker, the sections you're citing refer to being a speaker. If there are no speakers, then how can you be berated? No one spoke at the meeting 'cause the vote didn't pass. How can you be disrespectful to a speaker if there aren't any speakers?

- So you're saying it's okay to be disrespectful then to citizens who showed up to speak and you don't.

- I'm not saying anything about disrespect, I'm asking if these sections are about speakers and the floor wasn't open to speakers, how are they relevant? You're a potential speaker sitting in the audience, right? You're not a speaker...

- No, I'm the public, I'm the public.

- You're the public, but the sections of the Code you're citing are towards speakers. There were no speakers in this case, so how can those sections be relevant?

- So the start of Section four under, In Public Meetings, the first line says, "Make the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of the individual council members towards an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. The council members are expected to demonstrate both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. All council members should convey to their public, their respect and appreciation for the public's participation,

input, and opinions." So that's specifically in the Code. And then Section A and B goes into the care and respect of the public.

- Your complaint only cite Sections A and B first, right? You cite violations of Section A and B.

- Yeah but isn't the, I don't know what it's called, the first paragraph in that section, In Public Meetings included in Section four?

- You didn't cite a violation of that in your complaint. You cited two specific provisions, right?

- But, In Public Meetings should be included in that as well, Section four.

- So do you think that if the council votes no on some policy that I really like, they've disrespected me by voting no?

- No, but then if they go into saying how shame on you for showing up to bring this, shame on you for bringing this issue to us, and shame on you scientists that are saying fluoride is harmful, is that respectful for council? I mean.

- Can I ask, were individuals singled out? Is that the issue, you feel that the issue is belittled, or you felt like individuals were singled out, even though they weren't speakers, but they were present?

- I mean, I felt very singled out because I was the one that brought this issue forward. So when someone says shame on you for bringing this issue forward to us. I mean, I would think they're talking about me, that's how I would interpret it.

- I'm thinking, just listening. You know, I was reading the same things when I was looking at this, the fact that the floor wasn't open, so technically there really weren't any speakers. Do the council members have the rights to voice their opinions on the floor? I can understand, I guess Brenda how you're... I guess you're feeling like you come to this meeting and with an expectation to speak, but it really isn't, there's no right for you to speak at a council meeting unless the council determines the floor is open. So that's where I'm struggling with the complaint that you've submitted, in that the floor wasn't open for you to speak, which is the council's ability to do that. I'm trying to find specific citations, you've brought the shame on you comment up, I don't think it was given to you by name. I think he was, I can't say to what the elder was saying, why he said that, but I'm trying to find the specifics that would bring this and have us look at this as an ethics complaint, off of what you've submitted to us. And I see a lot of documentation on fluoride in your paperwork. I guess that's what my struggle is with it a little bit, but I don't have any further questions for you Brenda. I don't know if Janet or Erin, if you do?

- I have one more, just I'm a little concerned about the expectation that you were going to be able to speak. You said the Protection and Policy Committee meetings led you to the expectation that the floor would be opened. Can you explain how that would be? I'm not sure that's a promise or an expectation that should have been set up in advance of a meeting. So I just have a little bit of concern 'cause I think that that expectation might have colored the context of the meeting.

- Sure, we had multiple meetings at the Protection and Policy Committee level, and I don't know if it was every single meeting, pretty much I believe is Mark Steuer still on this call? Can he answer to this

at all? 'Cause whenever people spoke, it was really stressed that, if you forgot to make a point, or if you forgot to provide us with some information, or if you didn't get a chance to speak, you will be able to speak at the council meeting when it goes to full council, 'cause that's the meeting that it really matters. That's where the final vote is gonna happen. So some people didn't speak at those Policy Committee meetings, they were waiting for the full council to speak at. I know of at least three, four people that were waiting for that full council meeting to speak and then they never opened the floor.

- Do you want me to answer that or not?

- Can you, I mean, I don't know Alder Steuer, do you remember what was said after the Protection and Policy meeting? I mean, I know what's normally said but.

- Right well, first of all, the meetings were very lengthy, you know, five, six hours. I mean, we sat through a lot of testimony and we listened to both sides. Generally speaking, whenever I've been at committee level or a lot of us alders that many times we will say, "This is the committee decision, but it goes to council for final approval." So I'd have to look back at the minutes, but I believe that I did say that it will go to City Council. And I did vote to open the floor, even though I know it took five and a half hours at committee, but my take was that it's not finalized until it gets to council. So that was my initial take.

- Thank you both for the clarification, I'm not familiar enough with those processes, so thank you.

- Okay, I think if there is just then if anyone who is a respondent would like any time, I think in spirit of fairness, we could give five minutes to any person. I know we got lots of information from many of the alders, which we were able to read, which were part of our Agenda Packet, but just wanna make sure that we're equitable. So if anybody wants to speak for up to five minutes or respond to anything, clarify. Or if somebody wants to, Lindsay's raising her hand.

- I don't wanna speak, did you want to talk to Keith first?

- Yeah, I don't know if we should do questions or if we should do both of the...

- I think it makes more sense to go to Keith and then give all the alders, and everybody the chance to respond altogether.

- Okay, that works. Then we will give Keith five minutes.

- It's up to the committee though, so you three can decide.

- Does that work for the rest of the Ethics Board? Let Keith have five minutes or how...

- I think that's fine.

- I was just jumping in, I was just jumping in to basically say, I don't have like a big statement of running through five minutes here. No, I didn't prepare to say yet another statement. It's like, I feel like I put a lot of work into the last statement that was written. So if you want to hear what I have to say, please reread that statement. I don't know, I wasn't sure what to expect at this meeting even, I was just here to answer questions, Brenda's got them. And to see what you guys say, I could try to

reiterate key points of what my statement was, but that's all kind of all there is to it. It's like, I've said what I feel like needs to be said, if people wanna listen, if they wanna hear that message, it's there black and white for you to read it. And to me it's just a core ethical issue. I feel like everybody is focused on legalese where you can't see the forest for the trees, where it seems kind of clear that the motivation for that would likely be just, "We don't wanna deal with this, please go away." It's like, is it our jurisdiction to deal with this? Can we read the letter of the law in a way that'll make it so we don't have to deal with it? That's kind of what it seems like, because you could read it in a way where yeah, you could deal with it. You could, if you wanted to. There is plenty of underlying ethical issues there to deal with. The number one being, the fluoridation issue itself. That's the only reason I even care about any of this. I don't actually honestly care that much about people having opinions that disagree with me or any of that stuff. It's like, I get that that's what we're sort of focusing on here. It's like it was mismanaged, it was mishandled. Yeah, it was mishandled in a lot of ways. I feel like they just, people aren't getting the core points being made, and then aren't listening to, if you wanna like get into the subject, they didn't really listen to the people that they needed to listen to, that were there to speak, and we're trying to communicate with them. Those are just what I'm thinking, it's just for your consideration, whatever you guys wanna do it's like, you're the government, you can do it. That's the position we're in here. So we're just voicing our opinion of what we think is true, and what we think is right.

- Thanks Keith, any questions there from the Ethics Board?

- Just on one clarification, the reason why we have to think about jurisdiction issues is it could be a real liability for us to start doing things that are not, we can only do things that are in the Ethics Code, right? I think people often think, "I think this thing is not ethical, therefore I should go to the Ethics Board." We only have certain things we can do. I could think somebody is dishonest, or doesn't have integrity, or something is not ethical. The Ethics Board doesn't have the power to take up everything that everyone thinks is unethical. So we do have to look at what's actually in the Code so that we don't charge ahead working on something that we really don't have any authority over. So that's why we take great care to think about like, how the complaint actually corresponds to the Code.

- I mean, it's fine. My point was that it could be easily enough read in a way where, okay, let's open this up to thinking about it and dealing with it. You could do that. And I feel like I've elaborated on that enough in the written statement, so that's up to you guys how you deal with that.

- Keith, I read through your statement and I'm gonna be honest with you, one thing that concerned me a little bit was the fact that in your statement, you say 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 then you have secondly, in the way they dealt with the people involved. You know, ethics complaints are big deals. Like when you make an ethics complaint against someone, look we all, this whole board takes that very seriously because you're really making a judgment call on someone. And when I read this I think to myself, if the issue is fluoridation, is this issue about how the council did not vote in favor of the issues you wanted them to at the fluoridation level? So you're falling back on, you know what I mean like, what's the, I would hope your primary for coming to the ethics commission is with regards to the treatment that you believe was unethical, not so much the mishandling of fluoridation issues. You know what I'm saying? Like this is.

- For me it's both. I think Brenda is focusing on, maybe a little more than me on that portion of it. For me, the only reason I care about this is because I think that people are being ethically violated by the government. That it's inherently morally wrong to violate the body of an unwilling participant, as it said in the Nuremberg Code, and other bioethics laws, things like that. That is the key thing that I care about. But I also would say then that it was mishandled and it was mishandled in how they dealt with that issue particularly. Also people I mean, it's both. But the only reason I care about how they dealt with the people is because of the issue.

- Was it mishandled because they didn't open the floor? Is that your thought?

- It's one of the ways in which you could be argued that it was mishandled?

- Okay.

- I see two hands, but I wanna make sure that we allow time for questions in case any of the board members have questions for Keith based on anything he said or wrote.

- I think, you say that the contention is not whether they would be able to deny the public that day, but whether they should have. And I guess I'm not sure if this is a question for you or just a question in general, whether or not we jurisdictionally can determine whether the floor should have been open to the public that day by the council. So I don't know, that's just a question I have hanging out there.

- I mean, my primary answer to that is simply that ethics itself is about what should or should not be, whether someone can or cannot do something is entirely secondary. So it's you know, people are allowed all kinds of stuff, 'cause there's a lot of suffering and death in the world. People are allowed free will, but should they do this or that? That's what ethics is.

- But that then applies to the council members as well right, and the decisions that they make?

- I'm just saying at the core, that's what ethics is, is judging what should or should not be, what is right or wrong. And again, the whole thing, the whole reason I care about any of it is 'cause I think that that's what this issue is, it's fundamentally an ethical issue. Secondarily, it's also hurting people, it's doing you can argue it on all these different angles, but.

- I have no more questions.

- Yeah, I think we should give time in case any of the respondents would like to use five minutes. And again, you could do it individually, you could not say anything at all if you have nothing further to say. You can, if there's somebody who wants to speak on behalf of other people, that would be acceptable as well. There's lots of view on my screen, so just throw a hand up and I'll try to remember the order. Alder Dorff I think I saw your hand first.

- Thank you, and I will speak on behalf of Alder Dorff, Alder William Galvin, and Alder Craig Stevens. And I'm simply going to read the first two paragraphs of my statement, I won't read the full two pages, but I do want to at least have on the record what we are contending. The City of Green Bay Municipal Code two dash 27, gives authority to Robert's Rules of Order to govern city council in all cases in which they are applicable. 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 Meetings Law does not require a governmental body to allow members of the public to speak, or actively participate in open session meeting. The law only grant citizens the right to attend and observe open meetings. The Ethics Board has no authority to hear this case since no public discussion actually took place, no member of counsel can be found quote, disrespectful or quote, unwelcoming to the public. This complaint has no merit on its base. Perhaps later on if needed I will cite the parts of the law in Robert's Rules, but in the interest of time I won't do that right now. And Alder Galvin, Alder Stevens, is there anything more you want me to say?

- Thank you, Alder Gerlach.

- I will speak on behalf of myself, but first of all, I would just like to point out on behalf of Alder Scannell. I distinctly remember hearing him say, "We are not scientists." I heard him say that we are not scientists. As for me, I received 148 emails about this. I read every single one of them, followed up on every link and website that I was asked to follow up on. If I remember correctly, Ms. Staudenmaier called me at home, and I took her call and I listened to her and I believed her. And for the first time in my life, I considered that fluoride might not be a good thing. And so I launched into my studies in addition to all of the follow up I did from those emails. But those emails took me to the places that made me ultimately make the decision that I was right, and that this movement or whatever this was, this effort, this initiative was misguided and was incorrect. I have three types pages of notes from which I spoke. I have them at my fingertips right now, I can read them for you if you wish. I use the first page and a quarter, the last page and three quarters I didn't speak about but I have them there, I have the names of the studies, I have the reasons exactly why the scientists came to the conclusions they came. Again, I berated no one, I never used the word shame, I named no one, I stated the science. This was the conclusion I came to after a lot of research, I completely changed my mind. I think that's what intelligent people sometimes do. I'm sorry, but that I have to stand by what I said.

- Brunette.

- Yes, thank you chairman. I remember one of the previous agendas, the Packet had a statement that I issued on Facebook the day after I voted not to open the floor. And I don't recall seeing it as part of the Agenda Packet for this meeting, maybe I simply overlooked it. So I'm just simply going to read that it won't take nearly the five minute limit. But whether my actions on voting not to open the floor violates any ethics, Code of Ethics or Code of Conduct violation, that's up for the Ethics Board to decide. But I at least want to give you my perspective that I felt the day after I took that vote, which is the same feelings I have today, which is over a year later. I wrote on December 2nd, 2020. Serving in public office means taking tough votes on important issues. Last night, the common council voted on water fluoridation after several months of hour long committee meetings, and over 2,000 pages of documents provided by the public. Although I stand by my final vote on that issue, it was the vote prior to that decision that I regret. As with all important topics, I believe the public has every right to be heard during open government meetings when decisions are made which affect their lives. Transparency and openness are values I expect to be exhibited consistently in local government. In other words, I hold myself to a high ethical standard, I will forever believe this government belongs to quote, we the people, and quote all the people. The common council voted to not open the floor for public comment. I recommended this position and voted accordingly. I felt that after hours, upon hours of public testimony at the committee level, as well as the few thousand pages of documents,

both sides of the issue provided, all sides of the argument were presented well. What I failed to fully consider, is that there were people who had not yet spoken on the issue, waiting in the Zoom waiting room to be heard. If you were one of those people, I do apologize for not voting to open the floor, to hear your opinions. It is something I don't believe I have ever done while in public office, nor is it something I will ever do again. Or I should say, nor is it something I will do again? I know in the grand scheme of things this may be a blip on the radar, and not noticed by many. Some of you may be asking why I would even bring it up? Well simply put, it has been on my conscience since last night, and because this government belongs to you, you have every right to speak during meetings. People in public office have... They don't live up to the values they hold. Simply what I wrote. I don't regret writing that, I stand by that statement. And as I said, Mr. Chairman and Ethics Board, if you felt that my conduct or any conduct was untoward to the public during that meeting, that is your duty to rule on. But I'll let that statement speak for itself, thank you.

- Alder Scannell, yep go ahead.

- Okay, thank you. Well, I think that you are bound to follow the Code and you're bound to follow the complaint. And I feel that what is happening now is the complaint is somewhat being shifted that they're trying to, they stated what ethics violation was, but now they can't support that. So they're trying to massage it and change it to something else and present it without any evidence. I mean, if it's comments we made, that's what the complaint should have stated and it should have those comments. I mean quite honest, I have a vague recollection of what all I said and why I said it. I don't remember exactly, I'm not really prepared to talk about it much. I mean, if you have questions for me I can answer to the best of my ability. But it seems like they have not proven the complaint they filed. We have the right to not open the floor and I don't know how anyone can argue against that. And the argument of general ethics should be applied. Again, you have to follow the Code of Conduct, not general ethics. And the purpose of the general ethics is to re-argue fluoride, which is not the purpose of this body. So I think there's some misconception on the complainant's part about what your job is. And I think they also think that you have some authority over us, it's not that you would have something like judicial hearing and come to conclusions of fact, and they make a recommendation to council that's passed on to council, and council would then decide. I'm not sure they quite understand the process they're involved in here. So I just feel that they haven't made a valid complaint and I don't know that having regrets, for any alder having regrets about their decision, I've had some regrets, so I don't think that's an ethical violation if you do have a regret. And as far as their expectation that they'd be allowed to speak, that's unfortunate that was made if anything, but that's not an ethics violation either. But if that's their complaint that they were given an expectation, then they filed a complaint against the wrong person, but I don't even see how that's a violation because I believe even if you... I did look at what was said and it was, he never stated it would, the chair never stated it would be open but that, I can't remember exact words now, but it would most likely be open, I can't remember exactly what he said, but he never said it would, made it a promise to be open. So that's all I have to say, unless there's any questions about anything for me.

- Any other comments from, we could take questions if anybody on the board has questions. If there's anybody else who would like to make a comment, Mayor Genrich yep.

- Thank you chair. I would just concur with the comments of Alder Dorff, the argument that she had made earlier in the meeting here. I think what we have before this body is really a political argument rather than an ethical one, as it relates to the City's Code of Conduct. And so I think this jurisdictional question is an important one to answer, and important one for the Ethics Board to

answer correctly. And so it's my judgment that obviously, all of our citizens can second guess our decisions and our actions, but that's to be handled in a different venue, and that venue is not this body.

- Okay, any other comments? Otherwise we can have questions from the Ethics Board for any of the people who spoke. Brenda is this a response to something somebody said? 'Cause I don't wanna get into having everyone go back and forth, I wanna give everybody their amount of time, allow for questions and then proceed on. No other questions from anybody? Okay, and I think I mentioned this already but Lacey, which is the third item on our agenda is not gonna be here. So didn't wanna make any verbal response, just thought the writing was sufficient. I think what we can do now is move to deliberation if there are no additional questions. What we usually do is go into close session, deliberate, and then come back, move to open session, and summarize our discussions. And so I guess to do that, we would need a motion, a second, and a vote. And I'm willing to make the motion to go into close session.

- Second.

- Do we need discussion Lindsey?

- If there is any, you can have discussions.

- Any discussion?

- I just had a quick question. Would the closed session involve all alders that we wanna be allowed in?

- The alders who are respondents would not be allowed in.

- All in favor, signify by saying aye.

- Aye.

- Aye.

- Aye.

- Opposed? Motion carries, and so I'm just gonna read the statement that allows us to go into closed session, just so we have that on the record. The board may convene in closed session, pursuant to section 19.85 sub one sub a Wisconsin statutes for the purpose of deliberating concerning a case, which is a subject of any judicial or quasi judicial trial, or hearing before the governmental body. The board will thereafter be pursuant to section 19.85 sub two Wisconsin statutes to take action items discussed in close session, if appropriate and to consider the remainder of the agenda. So I'll have Lindsay scoot us into closed session. We will eventually return and we'll proceed from there.

- Okay, so just to go over how this works for those who haven't been through it, I'm going to put everybody in a waiting room, except for the board members, and myself, and any of the alders who are here that are not respondents who may want to stay and Attorney Bungler as well. You are free to remain in the waiting room as the board will most likely be returning after deliberations. Depending on I mean, they will return to open session. There may or may not be a decision prepared

at that time, but they will likely take some sort of action when we come back. So, I'm gonna put you all in the waiting room. Go ahead, go ahead.

- I make a motion to go back into open sessions?

- We're back, we're still in close session technically, but we need a motion, second, and vote to go back into open session. I can make the motion.

- Okay, second.

- All in favor?

- Aye.

- Aye. Opposed, motion carries. We are now back in open session, we had discussions on the information that we heard this evening, and on the reports that were submitted by everybody. And we are going to make a motion to have Ethics Board direct staff to proceed based on the discussions that we had. And we will plan to return at the next ethics meeting with findings and conclusions based on our discussions, it will be February 24th at 5:00 PM. So we need a motion to have staff proceed as directed.

- I'll make that motion.

- I'll motion, Cheryl second.

- Second.

- All in favor, signify by saying aye.

- [All] Aye.

- Any opposed, motion carries.

- I'm sorry guys, I was doing something. Who motioned and seconded?

- For this one or for the coming back to open session?

- For this one.

- For this one, we'll do me as the motion, Cheryl as the second.

- Thank you, sorry about that.

- Staff proceed as directed. So again, we will recon been on February 24th at 5:00 PM. We will discuss the conclusions and findings. The next item on the agenda is simply an informational item. It's just that Benjamin Khademi voluntarily withdrew his ethics complaint against Mayor Genrich, and Alders Brunette, Scannell, Stevens, Galvin, Gerlach and Dorff. Purely informational, no action item needed there. Last item on the agenda, G adjournment. Need a motion, and a second, and a vote.

- I'll move.
- Second.
- I'll second.
- All in favor?
- Aye.
- Aye.
- Aye.
- Aye. Opposed, motion carries. And we are wrapped up, thanks everybody.
- Thanks everyone for coming.
- Thank you.