



## **MINUTES OF THE ETHICS BOARD**

**THURSDAY, FEBRUARY 24, 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: Cheryl Renier-Wigg, Aaron Weinschenk, Janet Hathaway, Excused: Bill Galvin, William VandeCastle.

### **C. APPROVAL OF THE AGENDA.**

I. Approval of the Agenda for the February 24, 2022 Ethics Board Meeting.

Moved by Staff Cheryl Renier-Wigg, seconded by Aaron Weinschenk to approve.

Motion Passed.

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

### **D. APPROVAL OF MINUTES.**

I. Approval of the Minutes for the February 10, 2022 Ethics Board meeting.

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

Motion Passed.

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

### **E. REGULAR BUSINESS.**

I. Deliberation with possible 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 Staff Cheryl Renier-Wigg to suspend the rules and take up items 1 through 3 together.

Motion Passed.

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

Moved by Staff Cheryl Renier-Wigg, seconded by Janet Hathaway to enter closed session.

Motion Passed.

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

Moved by Staff Cheryl Renier-Wigg, seconded by Janet Hathaway to return to regular session.

Motion Passed.

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

Moved by Janet Hathaway, seconded by Staff Cheryl Renier-Wigg to approve Findings of Fact and Conclusions of Law on the Complaint of Brenda Staudenmaier.

Motion Passed.

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

Moved by Janet Hathaway, seconded by Staff Cheryl Renier-Wigg to approve Findings of Fact and Conclusions of Law on the Complaint of Keith Decker.

Motion Passed.

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

Moved by Janet Hathaway, seconded by Staff Cheryl Renier-Wigg to approve Findings of Fact and Conclusions of Law on the Complaint of Lacey Kuehl.

Motion Passed.

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

**2. Deliberation with possible 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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See Item G.1.

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

The 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.

See Item G. I.

4. Scheduling of future proceedings.

## **F. ADJOURNMENT.**

Moved by Aaron Weinschenk, seconded by Staff Cheryl Renier-Wigg to adjourn.

Motion Passed.

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

## **VERBATIM MINUTES**

- All right, good evening everyone. This is the February 24th 2022 ethics board. And the first item on our, our agenda is roll call. Lindsay, we don't need a voice or anything like that. We can just use the Zoom record as roll call?

- Bill will usually... Bill will do, do it one or two ways. Either ask the individual board members to just say here or he'll just note on the record who's here. Um, but one way or the other, an, an actual record of who's here is...

- I think, I think a video recording indicating that Cheryl, Aaron and Janet are here is sufficient. And we do have a quorum. We have two recusals for this particular set of issues, but still a quorum given the number of people. Next item on the agenda... approval of the agenda for the February 24th, 2022 ethics board meeting. And we would need a motion.

- We want to take, um, these items together or we need to do these separately, Lindsay.

- So, for purposes of approving the agenda, you can just approve it. And then when we actually get to regular business, you can move to take them up.

- I'll motion to approve the agenda then.

- Thanks.

- I'll second it. And any additions, corrections, suggestions. Hearing none. All those in favor signify by saying aye.

- Aye

- Aye

- Aye. Opposed. And then the motion carries. Is approval of the minutes for the February 10th, 2022 ethics board meeting. Those were in your agenda packets.

- Motion to approve.
- We have a motion.
- A second.
- We have a second from Janet. Any discussion? All in favor, signified by saying aye.
- Aye.
- Aye. Any opposed? The motion carries. And we are to agenda E, which is regular business. And I think Cheryl, this is what you were asking. Do we need to do something to handle these simultaneously? Lindsay, any thoughts on like, if we need a motion to suspend the rules like we did last time?
- Yeah, yep. You'd need a motion to suspend the rules which requires a two thirds vote.
- And that will, that would allow us to deliberate on them at the same time and then come back and share our decision?
- Um, yes, actually, um... Yeah. Yeah. So the motion would be to suspend the rules to take up items one through three, um, together. And then after that, if that passes then you would move to go into close session. We could deliberate. Yeah. Just like you said.
- Yeah. I, I'm willing to make the motion, that we suspend the rules and consider items one through three under regular business simultaneously.
- Second that.
- Discussion? Signify by saying I.
- Aye.
- Aye.
- Aye. No opposed? The motion carries. So, what we will, we will go into closed session. We will, as you might recall from last time we directed...
- You first need a motion to go into close session.
- Oh, we need a motion to go into closed session.
- Motion to into closed session.
- I'll second.
- I'll second.

- Alder Gerlach has a question.
- May I ask it?
- I, I recognize you. Go for it.
- Okay. I, I'm just wondering, what still closed session this time than last time you went into closed session? You went into...
- What's, what's different?
- Closed session. Yeah, what are you going to do differently this time that you didn't do last time?
- Uh, actually can't answer that. Cause we can't talk about what we did in closed session last time.
- Okay.
- Sorry, alder. Okay. Sorry. So the motion was to go...
- Think we have another question. I see we have another question from Alder Stevens.
- Alder Stevens?
- I think what Alder Gerlach is trying to ask is. Are you going into closed session before you give us your judgment?
- Yes.
- Okay. And that will be done tonight?
- Yes.
- Okay.
- That, that's the...
- The board will rule on the motion or on the issue of jurisdiction tonight, after.
- Well, you're going into closed session to talk about that then you're gonna come back. Okay.
- Correct.
- That's what we're, that's what she was trying to get at. So.
- Gotcha.
- Thank you.

- I'm sorry. Sorry for the confusion.

- Sure.

- We had a, did we have a motion and a second?

- I had you making the motion, right?

- Nope.

- Who or wait, Cheryl made the motion. I apologize. All right. Who made the motion and who seconded it? I apologize everyone.

- I think I made the motion. Maybe Janet seconded it.

- Okay.

- That works.

- That works.

- All right. Before you can vote on it, you need to read the language. And Cheryl made the motion. So Cheryl, can you read it? Or do you want someone else to read it?

- Actually could Aaron, would you mind reading it?

- Yep, I can read it.

- I don't have my reading with me right now.

- Yep.

- I should have this memorized given how many times I've heard it over the past couple years. But I still have to pull it up. Um, the board may convene in close session pursuant to section 19.85, sub one, sub A of Wisconsin statutes. For the purpose of delivering, delivering concertos which was a subject of any judicial or quasi-judicial trial or hearing before that governmental body. The board will therefore re, reconvene an open session pursuant to section 19.85 sub two of Wisconsin statutes to take action on as discussed in close session. If appropriate and to consider the remainder of the agenda. And so now we need to, now we need to vote on it, Lindsay?

- Mm-hmm.

- Okay. And I guess we need, we could have discussion if people want to discuss anything. All in favor signify by saying aye.

- Aye.

- Aye.

- Aye.

- Opposed? Motion carries. Lindsay, will you help us get to the, uh, breakout room?

- I sure will. So I'm going to move everybody except the alders and the attorneys into the waiting room. And we'll bring you back when we're done with the closed session. Or when the, the board is done with the closed session. Now.

- Make a motion to go back into open session.

- I'll second.

- Discussion? All those in favor, signified by saying aye. Aye

- Aye

- Aye.

- And any opposed? Then motion carries. So we are back in open session. What I'm going to do is turn my video off and then read you our decision. So that you're not watching me follow the text on the screen as I'm reading it right in front of my camera. And then we will go from there and finish out the rest of the agenda. So I'll read our decision and, uh... yeah. [Aaron] Just give you me one second to get situated here. Lindsay, do I need to read the, like the stuff at the top? Like the who's involved in the ethics complaint? Or can I just skip that? Okay.

- Yep.

- All right. So this is ethics complaint, Brenda Staudenmaier versus Mayor Genrich, Alders Brunette, Scannell, Stevens, Galvin, Gerlach and Dorff. And I will read, uh, some other sections on how, how these apply to all of the complaints since we handled them simultaneously. So, uh, findings of fact, conclusions of law. This matter came before the ethics board for public hearing on December 14th, 2021. The board raise questions about its jurisdiction to hear the complaint. And the matter was continued to February 10th, 2022, to allow the parties an opportunity to brief the jurisdiction issue. Findings of fact, number one, this matter was heard by the ethics board at the meeting that was first available, after the complaint was filed. Number two, the parties were provided an opportunity to submit written documentation and support of their p-positions concerning the board's jurisdiction. Number three, complainant Brenda Staudenmaier and respondents Dorff, Gerlach, Galvin, Stevens and Scannel submitted briefs in support of their positions. Number four, at the common council meeting on December 1st, 2020, Alder Randy Scannel moved to approve item number six from the protection and police committee report. Quote, to receive and place on file the request by Alder Galvin. Filed on behalf of constituent, constituent Brenda Staudenmaier that the city can consider taking fluoride out of the treatment process for city water. The motion was seconded. Number five, subsequently a motion was made and seconded to open the floor to the public for discussion. The motion failed six votes to six votes. Mayor Genrich could not cast a vote on the motion to open the floor. The respondents are the six alders who voted no. The jurisdiction of the ethics board. Number six, the, the jurisdiction of the ethics board is limited, limited to enforcing the ethics provisions of the Green Bay municipal code and quote, conducting hearings regarding complaints filed in conformance

with the code of conduct for elected officials as adopted by the common council, and as amended from time to time. Number seven, section 4a of the code of conduct for elected officials of the city of Green Bay. Entitled be welcoming to speakers and treat them with care and respect states for many citizens speaking in front of the council is a new and difficult experience under such circumstances, many are nervous. Council members are expected to treat citizens with care and respect during public hearings. Council members should commit full attention to the speakers, or any materials relevant to the topic at hand. Comments and non verbal, verbal expressions should be appropriate or respectful and professional. Number 8, section 4b of the code of conduct for elected officials of the city of Green Bay is entitled, be fair and equitable in allocating public hearing time to individual speakers states. The mayor will determine and announce time limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five minutes with applicants and appellants, or their designated representative, representative allowed more time. If many speakers are anticipated, the mayor may shorten the time limit and or ask speakers to limit themselves to new information points of view, not already covered by the previous speakers. Each speaker may only speak once during the public hearing unless the council requests additional clarification later in the process. After the close of the public hearing no additional public testimony will be accepted. Unless the council reopens the public hearing for limited and specific purpose. Number nine, the rules and council the rules of council procedure and the Green Bay municipal code govern the rights of others to address the council. Quote, no person other than a member shall address the council unless the rules are suspended. Except under the order of business for that purpose. Number 10, under Wisconsin open meetings laws, members of the public have a right to attend and observe public, observe proceedings of bodies such as common council. However, the law does not require the body to allow the public to speak. Number 11, unless there is a specifically requiring a public hearing on a particular matter. A governmental body is free to determine for itself whether and to what extent it will allow citizen participation at its meetings. Number 12, there was no applicable statute requiring a public hearing on the fluoride matter. And the matter was not, as noticed as a public hearing on the agenda. Our conclusions of law. Number one, the ethics complain is properly before the ethics board pursuant to section 2-238 of the Green Bay municipal code. Number two, a hearing on this matter, was timely conducted in accordance with section eight of the code of conduct for elected officials of the city of Green Bay. Number three, neither the open Wisconsin opens meeting law nor the Green Bay municipal code require the common council to open the floor for public participation in circumstances such as those surrounding the fluoride issue, at the December 1st, 2020 council, city council meeting or common council meeting. Number four, both sections of the code of conduct cited by the complaint in sections 4a and 4b relate to elected official conduct towards speakers. Number five, because the council did not permit public participation on the fluoride either. Uh, fluoride item, neither complainant, nor anyone else wanting to be heard on that topic was a speaker as the term is used in the code of conduct for elected officials. Number six, given that the members of the public were not speakers under the code of conduct. Complainant has not alleged a violation of sections 4a and 4b of the code of conduct nor any other provision within the ethics board jurisdiction under 2-238 of Green Bay municipal code. Number seven, the ethics board does not have jurisdiction to consider this matter further, and it is hereby dismissed. And so what we would need now that I've read that into the record is a motion to approve.

- I'll move to approve.

- I'll second that.

- [Aaron] Second. And any discussion? All those in favor signify by saying aye.

- Aye.

- Aye.

- [Aaron] Aye. Any opposed? The motion carries. And so, I will now read two sections. Since I don't wanna read those, probably don't need to read those all over again. Uh... The findings in fact. The finding of fact and conclusions of law regarding the complaint of Keith Decker are identical to those read for item one of this agenda. Except that paragraph three is altered to reference competent, complainant Keith Decker instead of complainant, Brenda Staudenmaier. All the texts will be identical, except for that portion. I guess we need a motion to approve.

- I'll move to approve.

- [Aaron] Motion.

- I'll second.

- [Aaron] Second. Any discussion? All those in favor signified by saying aye. Aye

- Aye.

- [Aaron] Any opposed? Motion carries. And last item, uh... item number three. The findings of facts, uh, the finding of fact, of fact and conclusions of law regarding the complainant, Lacey Quel, are identical to those read in for item one of this agenda. Except that paragraph three is altered to reference complainant Lacey Cuel. Instead of complainant, Brenda Staudenmaier. Again we need a motion.

- I'll move to approve.

- [Aaron] Motion from Janet.

- I'll second.

- [Aaron] Second from Cheryl. Any discussion? All those in favor signify by saying aye.

- Aye.

- Aye.

- [Aaron] Aye. Any opposed? Motion carries. So, what will happen is a copy of, those will be, uh, sent to the city council. Complainants will also get copies for their records. Do we send copies to, uh, those named as well Lindsay? Yep. So all the alders and Mayor Genrich will receive copies as well. Uh, and I think we have one more agen, agenda item. Am I missing anything, Lindsay? Besides adjournment?

- Um, the only other thing on there was, uh, scheduling further proceedings and that was only if necessary. So, uh, adjournment is all there is.

- [Aaron] Adjournment is all there is. We need a motion and a second. I'll make the motion.

- I'll second.

- [Aaron] All those in favor.

- Aye.

- Aye.

- [Aaron] Aye. All right. The motion carries. We are adjourned. Thank you everyone. Thanks Lindsay for your help.

- Thanks everyone.

- Thanks everyone.