



MINUTES OF THE ETHICS BOARD

THURSDAY, AUGUST 18, 2022, 5:00 PM

Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INSTRUCTIONS

I. This item contains Zoom information for the August 18, 2022 Ethics Board meeting, 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; Janet Hathaway

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

C. APPROVAL OF THE AGENDA.

I. Approval of the Agenda for the August 18, 2022 Ethics Board Meeting.

Moved by Staff Cheryl Renier-Wigg, seconded by Ald. Bill Galvin to approve the agenda.

Motion Passed.

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

D. APPROVAL OF MINUTES.

I. Approval of the Minutes from the May 12, 2022 Ethics Board Meeting.

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

Motion Passed.

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

E. REGULAR BUSINESS.

I. Consideration with possible action on General Ordinance 18-22, repealing and recreating Chapter 2, Article IX, Green Bay Municipal Code, relating to Ethics (referred to staff at the May 12, 2022 Ethics Board Meeting).

Moved by Aaron Weinschenk, seconded by Ald. Bill Galvin to open the floor.

Motion Passed.

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

Moved by Ald. Bill Galvin, seconded by Staff Cheryl Renier-Wigg to close the floor.

Motion Passed.

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

Moved by Board Member William VandeCastle, seconded by Ald. Bill Galvin to approve the revised draft with the changes made today.

Motion Passed.

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

F. ADJOURNMENT.

Moved by Ald. Bill Galvin, seconded by Staff Cheryl Renier-Wigg to adjourn.

Motion Passed.

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

G. VERBATIM MINUTES

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

- Oh-oh.

- I forgot. Sorry, everyone.

- If you see that one there, Alder Galvin, it says that officials can confer with any covered person, if it's in the course of their duties as a representative. So I think you're covered in that sense, that you can confer, you just can't unduly influence or coerce.

- And the other part of that section is about trying to supersede the supervisor's authority. So as long as they're not doing either of those things, influencing or coercing, unduly, or superseding the authority of the administrator or the administrative supervisor.

- Well, that's good. Then we've got it in there. If someone comes in with a complaint, we can say, "Nope, he applies to this matter and it's good." Or "Yeah, K applies to this matter, and that's bad." All right. I like that.

- Yep.

- I agree.

- I have a question on a section.

- Yep.

- Page six. I feel like at page six, H, Solicitation of Funds. So I can tell you, as a city employee, I try to get private money whenever I can to save tax dollars, right? So if we have projects, community center, for example, or something like that, where we may have someone that we know may donate dollars, is that something that needs to be approved? Like how does that work? 'Cause I see it says, "unless authorized to do so "in their official capacity, by ordinance, "resolution, or rule of the city." What is rule of the city?

- That's a question for, Lindsay, I think. I don't know whether the--

- We have, city employees, we have, we work with a lot of people who love the city and they want to do projects with us.

- Right.

- They may say, "Hey, I'm looking for this kind of a project "and here's some money."

- Yeah.

- I guess, I don't know what are, I think an order from the mayor would be what I would call a rule of the city. That's sort of like an administrative rule, or a department head could issue some kind of a policy that would probably be a rule. I think if I were in your shoes, the bigger the potential project, the more you'd want to get a resolution from the Council that says, "Yeah, go ahead and solicit "\$5 million for this special city project."

- Okay. That's not what happens now.

- This was put in here so that there's some sunshine. Because the concern is, the mayor calls up, I don't know, whatever corporation, some paper making company up there, and says, "Boy, we've got this big project going. "Can you give me X dollars?" They're gonna think, "If I don't cough up money here, "the next time I want something from the city, "there's gonna be, I'm not gonna get it."

- Gotcha.

- So if there's a resolution that says, yeah, the mayor can go out and solicit for this project, or Cheryl can go out and solicit, then everybody knows about it and it's less likely to be a problem.

- Yeah. We usually, like donors usually call me.

- Yeah.

- They call us, "Hey, I want to work on "some kind of specific homeless project", for example. "And we wanna fund it somehow."
- Yeah.
- So, okay.
- Well, and you could certainly get a resolution that gave you a broader authority to just generally accept donations for these kinds of projects.
- Yeah. I know the Police Department had a K-9 dog, and I think even the money for a squad card donated to 'em, if they created another position. And I thought they came to Council, because you had to hire, you had to create a position with another cop and all this other kind of stuff, but people do do that kind of stuff a lot.
- Cheryl, from the Housing Authority perspective, we may need to consider, once this gets approved, we may need to adopt a resolution by the commission that gives your position the authority to solicit funds for projects within the scope of the Housing Authority.
- Yep.
- That would cover it then. Mike, I also happen to wear the hat of the Chair of the Housing Authority.
- I just refer to you as the king of Green Bay.
- Oh yeah. Right.
- Not a role I want.
- No.
- I've got enough to do. But that's where we could address that, right at the commission level.
- Yep.
- Yeah. I think that would work.
- We could do that probably at the Redevelopment Authority as well.
- Yep.
- For these types of projects, that would make sense. And then I have another question on page nine. The solicitation of staff, forbidden. If I'm reading this correctly, Bill Galvin can't ask me to put a sign in my yard, but I can call Bill and ask for a sign in my yard?
- Yep.
- Is that correct?

- That's exactly what it means.
- Okay.
- Oh, Cheryl, you're on the dime now.
- Well, I'm not doing it, but I'm just saying, I just wanna make sure that's interpreted properly. So at least the alders know where we're at, right?
- Yeah.
- Okay.
- You just can't ask--
- When you think of, go ahead, Lindsay, what'd you say?
- Oh, I just said, Cheryl, you just couldn't make that call while you're at work.
- Right.
- Yeah. Right.
- Right.
- Lindsay, I just thought of this. In addition to elected officials, should it also regulate candidates for elected office? As it's written, Bill can't call an employee and ask if they want a sign, but the person running against him could.
- Oh yeah.
- I don't have a problem with that. I think that's a question best suited for the board, but I don't have a problem with it, from the Law Department's perspective. What does the Board say?
- I'll be honest with you. I don't have a problem either, if someone who's not an employee, and is running against me, calls city employees or asks them to put up a sign. They're not an elected official yet. That's...
- Okay.
- I don't have an issue with that. I've had employees that I've asked who've told me they're not comfortable doing it, and I respect that, and I understand it, because if I was an employee and an alder was starting to poke their nose in my business, you'd get concerned, And granted, we think there's, we know there's a lot of things to stop any kind of coercion or undue influence. But for that employee, they can't be absolutely certain about that. And so I would have no issue with it, to be honest.
- Okay. Any other questions? Do you have any more, Cheryl?
- I don't think so.

- No, I don't.

- Nope.

- I do have one question, not about what's written here, but someone was asking, does this replace the Code of Conduct?

- No.

- So that is the intention, ultimately. The issue of the Code of Conduct is going to P and P on Monday. And the recommendation from the Law Department will be that the committee, and ultimately Council, vote to repeal the Code of Conduct. And if the Council so chooses to replace it with more like internal operating procedures, that would be something Council would enforce against itself, but not something that would come here in front of the Ethics Board, if complaints were made. So that will be discussed in more detail on Monday.

- Okay.

- But that's one of the reasons that we did ask Attorney May to include so much of the Code of Conduct in this Ethics Code, the parts that are actually enforceable under an ethics code, because there are issues with the kind of subjective language that's used in the Code of Conduct. And so, especially since we don't have any complaints pending under it right now, our recommendation is to repeal it entirely. And that's also why they're going, this ordinance and the recommended repeal, are going to Council at the same meeting.

- Okay.

- Yep. My recommendation was, if the council members want a code of conduct, they should adopt it and enforce it.

- Yeah.

- Against themselves rather than trying to involve the Ethics Board, which really they aren't ethical violations, they're something else. That the Council may want to take up, or may not, I don't know.

- Well, and I agree, that puts it on the shoulders of the Council to decide if one of their members needs to be put through a, well, a quasi-judicial hearing. And if they choose to, or not to, it's the electorate that will decide if they did the right or the wrong thing. So if they choose not to take any action and allow inappropriate behavior to continue, and there's no other laws or the Code of Ethics doesn't apply to what's happening, then it's on the shoulders of the alders to explain to the people they represent why they did or didn't do something, and suffer the consequences thereafter.

- Yeah. That was our thinking too.

- It takes it off our shoulders. Yeah.

- Lindsay, what's the timeframe for this? When do you anticipate this might go to Council?

- On the 30th. So already at the next Council meeting, which is scheduled for the end of this month, on August 30th.

- All right, I just wanna make sure, 'cause I'm gonna be gone most of October, but I'll be around. So I'll probably attend that meeting just--

- Most of August?

- As chair there.

- August 30th.

- And you don't need me at that meeting, correct?

- I will consult with Joanne.

- Okay.

- But my initial instinct is no. But I will, I'll have to confirm with Attorney Bungert.

- Okay.

- I have one, can I just, one more thing we should add, on page 11. We probably should call the Housing Authority, the Green Bay Housing Authority. That's actually its name, compared to just Housing Authority. 'Cause it looks like you're specific on the names of your commissions and boards and authorities.

- I'm sorry, Cheryl, what page?

- Page 11. Under six, Authorities. The Green Bay Housing Authority is the actual name.

- So there's kind of like a silent Green Bay in front of the titles of each of these boards and committees and commissions.

- Okay.

- Which is why some of the other ones that are actually referred to, with the Green Bay in their title more commonly, like the Arts Commission. I can't think of the word, Public Arts Commission.

- Public Arts Commission. I was just thinking, 'cause there's a Brown County Housing Authority. So I was, differentiate the BC and the GB. But that's okay. That's fine.

- It's entirely up to the board.

- Now that Cheryl brought that up, I'm gonna really throw a wrench into this, because under the Housing Authority, the City also has, where the Housing Authority commissioners serve on a separate entity called, Cheryl, remind me, Green Bay...

- Green Bay Housing Authority Properties I.

- Yes.

- Green Bay Housing Properties I.

- I knew it was something like that. So should we make that comply with this as well? It's a 501 corporation that administers some housing related activities.

- I guess the question I would ask is whether you think it's a public body? Under the Open Meetings and Records law, would you consider it a quasi governmental corporation? 'Cause if it's a 501, I immediately think, well, that's a private entity. But you might be--

- So we do--

- But if your case is about what constitutes a quasi governmental authority, then you're pulled back in.

- Right. So we do publish our minutes and our meeting notices and we do attempt to comply with the Open Meetings law, and I would assume, along with that, the Public Records law. It's intended to be open so that everybody can participate, or it's a matter of public record.

- And is that a specific housing project under the control of Green Bay? Or is it under the control of this corporation? Or is it under the control of Green Bay?

- That's always been a question, and where the Green Bay Housing Authority falls under the City of Green Bay, like how that works? 'Cause the Housing Authority doesn't, like the Council doesn't decide for the Housing Authority. It's the board. It's just like a separate entity under the statutes.

- Yeah. In Madison, there's a private entity like that. And I think it's called the Madison Development Corporation.

- Mm hm.

- And there's always been some dispute between the Madison city attorney, at least the old one, and the attorney for that corporation, as to whether or not they should be covered by the Open Meetings and Public Records law. I think their attorney says they don't have to, but we'll do it just to keep peace, 'cause they don't think they meet the definition. So I guess the question would be, who provides them with legal services? Is it the City Attorney's Office or somebody else?

- City Attorney. But we also, for this project, hired a private attorney, that specifically handles these HUD RAD Redevelopment projects for public housing.

- Okay.

- So both, I would say. But I think the City Attorney bills us back.

- Well, it's up to you guys. I don't have a strong feeling one way or the other.

- I don't have a problem with it being added. Bill, I guess we could talk about that.
- I don't see a problem.
- We handle everything. We do it, we handle it like the Housing Authority meetings. So we want to be very transparent with everything.
- Okay. Lindsay, can you get the actual name of that and put it in there if they want to.
- I'll email it to.
- I sure can. Thank you. Is it technically an authority? Would that be the most appropriate place for it to go? Or would it be like a subsection under the Housing Authority?
- It's like a subsection under the Housing Authority, I would say. It's made up of the same members of the Housing Authority, for the sole purpose of Housing Authority work on the specific project.
- Okay, so then you could just add Housing Authority, including whatever the name of this other corporation is. And the question about why we don't call it the Green Bay, maybe up in Subsection A, where we're talking about who has to disclose, so nobody thinks it's the Brown County Housing Authority, where we're talking about any board, commission, or authority set forth below, you could say, any Green Bay board, commission, or authority set forth below.
- Yeah.
- Yeah.
- That works.
- Everyone okay with the City of Green Bay?
- Yes.
- That's fine. All right. Anything further? Any further questions, comments for Mike? No?
- Nope.
- Nope.
- All right. All right. Then it looks like we're ready for adjournment. I don't think there's any--
- Don't we need a motion to approve?
- Oh yeah, that's right.
- We have, the floor is open, first of all. I don't know if anyone on the call may want to chime in with any comments? If not, then a motion to close the floor would be appropriate.

- Okay.
- I'll make a motion to open the floor for interested parties to speak.
- It's already open.
- I think it was opened, isn't it?
- Yes. It's already open.
- Before you close the floor, I just want to say that's been an enjoyable project for me. I liked working on it. I like your staff. I enjoy the board.
- Very good.
- Thanks for your work.
- Thank you, Attorney May.
- And we've appreciated your help.
- Yeah, very much so, Mike.
- Yep.
- All right. If nothing further, then I'll entertain a motion to close the floor.
- So moved.
- I'll make a motion, I can second.
- All right, we have a motion and a second. All in favor of closing the floor signify by saying aye?
- Hello?
- Wait, is there?
- There is just me.
- Aye.
- Aye.
- Wait one second. It sounds like someone wants to speak before we close.
- [Janet] I do. I've been trying to figure out how to do it. This is Janet Angus, 1403 Shirley Street in Green Bay. I have one question. On page 10, at least that's the page I was on. Section 2-327, Disclosure of Interest, Section, I guess it would be C. There's gonna be a statement. And I'm just wondering if the disclosure of interest in land, corporate interest,

and other financial holdings, if that's already a requirement anywhere in the prior ordinance that is existing? Or is this something that's being added to it? Hello?

- Yeah.

- I was gonna say, my recollection is that it is in the existing ordinance, but I'd have to go back and look.

- I've been signing that form every two years when I get elected. And I think that's taken directly from the state statute, isn't it?

- I think the form is.

- [Janet] Well, I was just, I was interested in the interest in land, and the corporate interest, and then also other financial holdings. Is that already a requirement? I was told from other individuals who've run, I did not have enough time to research it, that that was not included in the prior ordinance, and that they, other than interests in land in the city, I think that none of these other matters were required for the municipality. They are not apparently required for the county. So I was just curious where that came from, and if that was an addition?

- The current Code does require filing of statements of economic interest. It includes interest in land, on a form supplied by the board. Corporate interests.

- [Janet] And then all the other financial holdings?

- No, it does not include the Subsection 3. C3 is not in the current section.

- [Janet] So it does not include the statement, "Shall identify any of the person's other stock "or securities or other financial holdings "of any type exceeding \$10,000"? It almost sounds like a federal requirement, basic, other than a municipality requirement. And it might have a chilling effect on people who may want to run for office that do not want to disclose all of their financial holdings. I can see the interest in land, maybe corporate interests, but all other financial holdings seems to be excessive. And then does that include your spouse's holdings also? Marital property in Wisconsin, so would that include all of your marital assets?

- Well, it excludes, first of all, it excludes personal checking and savings accounts, money market funds, and any funds held in a retirement account.

- [Janet] But if you own individual stocks, you'd have to disclose all that, correct?

- Right. That's the idea.

- Yes.

- Is that if you own individual stocks, that could create a conflict of interest.

- Exactly.

- [Janet] If you own Apple stock, for instance, that's gonna create a conflict of interest with

the City of Green Bay?

- Well, if you were to buy Apple components and stuff, being sold by Apple to the City of Green Bay, and you have a large interest in the Apple company.

- [Janet] Well, I just used that as an example, but if you have to disclose all of your other assets?

- Well, I'm not really sure what would be chilling about that. You're just disclosing that you have an interest in that, and you should, ethically, recuse yourself from voting on it, if it's going to affect--

- [Janet] You have to disclose its interest, but you don't have to disclose, it says any type exceeding \$10,000. So do you have to put down the monetary amount of the asset or do you just have to say you have an asset worth more than \$10,000?

- I would imagine just if it's worth more than \$10,000.

- [Janet] Well, imagining, then, and I think having it in there, are two different things. So I think you need to be somewhat explicit in what the requirement is going to be. It says the statement shall identify any of the person's other stock, securities, or other financial holdings of any type exceeding \$10,000.

- There is a corollary--

- I don't know what the--

- I'm sorry.

- Go ahead, Lindsay.

- I didn't mean to speak over you, I apologize. There is a corollary in this state statute that requires, actually, that requires the statement of interest, which is Section 19, I just moved my mouse, 44.

- [Janet] And is that applicable to municipalities? Or is it just for, it's not just, but is it for state offices? Or does it go all the way down the line to county, and also to municipalities?

- This one may be state. I will look for the one, the municipal one.

- [Janet] I just don't ever remember having read that before. So that's why I was curious.

- Yeah, that does apply. It's in the code for local officials, too, Lindsay, under 1959, sub 3, it says an ordinance can include disclosure of everything that's in 1944.

- [Janet] It doesn't, it says can, though, it doesn't say must, correct?

- Right. And that's why--

- Okay.

- That's why we put it in here.

- [Janet] Okay, so you want, you're gonna vote to have that in there. All right. That answered my question. Thank you.

- And Bill, you folks on the Ethics Board, remember that this says that you prescribe the matter of the form. So if you think it's simply enough to list the company and not how much, that's a decision for you to make.

- Yep.

- There was a question that someone sent in, saying a candidate for elected office may inadvertently ask a city employee to put a sign in their yard, not knowing they're a city employee. But we did not add candidates for elected office to that section.

- Right.

- So they're not covered by that provision about seeking to ask somebody to put a sign in their yard. It would apply to current aldermen, yes. For the reasons that Alder Galvin talked about, that city employees may feel pressure from an existing alderman that they wouldn't feel from somebody who isn't yet in office.

- All right. Any further questions?

- I think it means employee while they're at work, not employment. You don't know anybody's employment when you knock on their door, right? It means you can't do it while they're at work.

- Well, I would say, though, that if I'm out knocking on doors and an employee lives in my area and I knock on their door and I'm talking to them, and I say, "Hey, would you mind putting a sign up in your yard?" And they tell me, "Look, I'm a city employee. I'm not really comfortable with that." As long as, and if I say, "Oh, okay, yep. You're absolutely right. I withdraw that question." I don't see that being an issue.

- Right.

- 'Cause I don't know every city employee. But if you ask unknowing, and then they tell you that, then you should do the right thing, which is to say, "Forget I ever asked you."

- Yeah.

- Yeah.

- Or Alder, if it's somebody you don't know, you can ask them first, "Are you a city employee?"

- Yeah.

- Yeah. True. You could always lead that off. So yeah.

- All right. Any further questions? All right. Is there a motion, then, are we ready to close

the floor?

- There's another chat comment that just came in.

- Yeah, but I think the, so it says, basically, it's a he said she said situation. So I like the while not at work. But whether you're working or not as an employee, if there's an elected official, it doesn't matter if you're at work or not, that elected official could still have influence over you as an employee, or you could feel pressured to do that, I would say. That's why I think it's, I think that works. Whether you're at work or not, right? If you're out knocking doors, I can ask, as an employee, I can ask to have one of your signs put up when someone comes to the door. But I think that's where it gets sticky. And really it's, I don't know, I'm trying to think, if someone put a sign in my front yard, and I didn't authorize it, I'd just take it out and throw it away. But I'm trying to think if you would, I don't know, a situation where we get a complaint on it. Right?

- Yeah. And there were some allegations that some alders had some signs in people's yards without permission.

- Hmm.

- And I actually thought I had permission on a few yards, and all my signs were thrown away too. So I dunno. Maybe they changed their mind during the election process. But, yeah. If a current alder, and that may be something more like for the Code of Conduct or something, I don't know if that would be ethics, because if a current alder doesn't know who owns a property and they slap a sign in the yard, and it is a city employee's, I understand how that city employee could feel. "I really don't want this sign in my yard. "And now I'm afraid to get rid of it."

- Right.

- So, it's like, what do you do? So that, I don't know. You'd have to prove that the alder knew it was a city employee. And that's, I think that'd be kind of hard to do.

- That'd be hard to do.

- All right. Any further questions? Otherwise, is there a motion to close the floor?

- Yeah. Motion to close the floor.

- Second.

- I'll second that. All right, we've got a motion and a second. All in favor of closing the floor signify by saying aye?

- [Board Members] Aye.

- Any opposed? Hearing none, the floor is closed. All right, then let's, is there a motion then? I think next item on the agenda would really be a motion to approve this revised draft with the changes that we made today. And I will, unless there's any further discussion, I will make that motion.

- I'll second.

- Is there a second?

- I'll second.

- Second.

- All right, Alder Galvin with a second. Any further discussion? Hearing none, all in favor of a motion to approve the revised draft of the Municipal Code of Ethics for the City of Green Bay, as reviewed this evening, signify by saying aye?

- [Board Members] Aye.

- Any opposed? Hearing none, motion passes. It's approved. All right. Anything further to come before the board tonight? If not, is there a motion to adjourn?

- So moved.

- So moved.

- All right. We have a motion and a second.

- Second.

- All right. First of all, thank you all for taking the time to go through this. Mike, again, thank you for all your hard work on this, and Lindsay, for putting this all together and working this through as well. So I think this is a great step forward in our process for all of this. And I look forward, to a certain extent, to the repeal of the Code of Conduct and not having to conduct these hearings anymore. That'll take a great burden off of all of us, I think. So thank you very much, all of you, again. So all in favor of adjournment, signify by saying aye?

- [Board Members] Aye.

- Any opposed? Motion carries. And again, thank you all very much for your time tonight.

- Good night. Thank you.

- Thanks, guys.

- Good night, all.

- And Bill, are you on a boat?

- Yes, I am sitting on my sailboat.

- Just in case you had to make a getaway or something?

- Yeah, right. In case I had to leave in a hurry.

- All right. Good bye, everyone.

- Good night, everybody.