



MINUTES OF THE FINANCE COMMITTEE

TUESDAY, FEBRUARY 28, 2023, 4:30 PM

In person at City Hall, Room 207.

Virtual attendance also available via Zoom.

AMENDED

A. ZOOM MEETING INFORMATION.

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

B. ROLL CALL.

I. Members: Ald. Brian Johnson, Ald. Jesse Brunette, Ald. Bill Galvin & Ald. Jim Hutchison.

Present: Jesse Brunette, Jim Hutchison, Brian Johnson, Bill Galvin

Also present: Ald. Melinda Eck, Ald. Chris Wery, Ald. Jennifer Grant, Police Chief Chris Davis, City Attorney Joanne Bungert, Finance Director Diana Ellenbecker, Assistant Director Pam Manley, and others

C. APPROVAL OF THE AGENDA.

Moved by Ald. Jesse Brunette, seconded by Ald. Jim Hutchison to approve.

Motion Passed.

Yes- Bill Galvin, Brian Johnson, Jesse Brunette, Jim Hutchison

D. APPROVAL OF MINUTES.

I. Approval of the Finance Committee minutes from the January 31, 2023 meeting.

Moved by Ald. Jim Hutchison, seconded by Ald. Bill Galvin to approve.

Motion Passed.

Yes- Bill Galvin, Brian Johnson, Jesse Brunette, Jim Hutchison

E. REGULAR BUSINESS.

1. For discussion with possible action on the approval of services to The National Institute of Criminal Justice Reform (NICJR) for gun violence reduction strategy for \$150,000.00.

Moved by Ald. Jesse Brunette, seconded by Ald. Bill Galvin to approve.

Motion Passed.

Yes- Bill Galvin, Brian Johnson, Jesse Brunette, Jim Hutchison

2. For consideration with possible action on a new Lease Accounting Policy.

Moved by Ald. Bill Galvin, seconded by Ald. Jim Hutchison to approve.

Motion Passed.

Yes- Bill Galvin, Brian Johnson, Jesse Brunette, Jim Hutchison

3. A request by Ald. Brunette to the Finance Committee which states: "For discussion and disclosure on the possible legal expenses regarding the audio recording issue and pending lawsuit."

The Committee may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

Moved by Ald. Jesse Brunette, seconded by Ald. Bill Galvin to open the floor.

Motion Passed.

Yes- Bill Galvin, Brian Johnson, Jesse Brunette, Jim Hutchison

Scot Liddicoat-1431 Springdale Ln., Green Bay

Moved by Ald. Bill Galvin, seconded by Ald. Jesse Brunette to close the floor.

Motion Passed.

Yes- Bill Galvin, Brian Johnson, Jesse Brunette, Jim Hutchison

Moved by Ald. Bill Galvin, seconded by Ald. Jesse Brunette to receive and place on file.

Motion Passed.

Yes- Bill Galvin, Brian Johnson, Jesse Brunette, Jim Hutchison

4. Consideration with possible action on the Second Amended 2023 City of Green Bay Fee Schedule.

Moved by Ald. Bill Galvin, seconded by Ald. Jesse Brunette to approve.

Motion Passed.

Yes- Bill Galvin, Brian Johnson, Jesse Brunette, Jim Hutchison

F. INFORMATIONAL.

1. 1. 2023 Contingency Account: \$250,000.00.

2. 2. The next Finance Committee meeting will be held on Tuesday March 14, 2023 at 4:30 PM.

G. ADJOURNMENT.

Moved by Ald. Jesse Brunette, seconded by Ald. Bill Galvin to adjourn.

Motion Passed.

Yes- Bill Galvin, Brian Johnson, Jesse Brunette, Jim Hutchison

H. VERBATIM MINUTES.

- At 4:30 PM. Item B, roll call. Let the record reflect, Alder Galvin, Alder Brunette, Alder Johnson, Alder Hutchison are present. I'll entertain a motion to approve the agenda.

- So moved.

- So moved.

- Second.

- We have a motion by Brunette, a second by Hutchison. Any discussion? Seeing none, all those in favor say aye?

- [Alders] Aye.

- Opposed? Motion carries. Item D, approval of the minutes of January 31st, 2023.

- So moved.

- Second.

- We have a motion by Hutchison, second by Galvin. Any discussion? Seeing none, all those in favor say aye?

- [Alders] Aye.

- Opposed? Motion carries. Item E, Regular Business, number one. For discussion with possible action on the approval of services to the National Institute of Criminal Justice Reform, NICJR, for gun violence reduction strategy for \$150,000. Chief.

- Hey, everybody. So this request is responsive to direction that we were given from council to do a request for proposals for the technical assistance portion of our larger violence prevention plan. As you may recall, we worked with the NICJR to develop the gun violence report that was done. And one of their recommendations was we establish an Office of Violence Prevention. And so this would be for technical assistance related to establishing that. It's a really good idea, especially if you're not used to setting things like this up, to get assistance from people who have done these before. So we went out for RFP on this. I believe we got two proposals responsive to our request. And this one was by far the one that met our needs. You will notice that the cost of this has gone up from the original cost by about, I think it's about \$26,000. The reason for that is two things. There's a little bit of an expansion and change in the scope of the work from what NICJR had originally proposed to do, before we were directed to do the RFP. And just, with time, the cost of everything has increased. But our first plan is to use the original, I believe it was ARPA funding, that we were authorized for and supplement that with \$26,000 from our Safer Communities funding that we were given by the state. That's a pool of about \$390,000 that we are gradually spending down. So we would use that to cover the gap. But plan B, and hopefully coming soon, is another grant opportunity that we are working on to try and just fund the entire project, including the Office of Violence Prevention. But that's just, we're still working with the granting agency on the finishing touches on that. And hopefully we'll be able to bring that to you before much longer. So we have a plan A and a plan B for paying for all of this.

- Okay. So I appreciate that. The scores that were included, and of course I know you were following direction that the council had given you at a previous meeting, however, there wasn't any of the scope of work included. So can you help us understand. We're retaining them as a consultant, as an expert in this field, but what does scope of work entail? What are they gonna do?

- So in a nutshell, and I'm sure we can get you the document for the scope of work.

- Yeah, if you could do that before council. Include that in the packet.

- Absolutely. And I can work with the Finance Department and get that for you. But, just at the high level, what we're looking for is technical assistance with setting up an Office of Violence Prevention. NICJR is a group that has done this kind of work in a lot of other cities, including where they're headquartered, in Oakland, California. And they've seen a lot of success with this. But if you try to set a program like this up by yourself, it is worth what we will pay NICJR, to have people who've done it before come help us with things like, what are the policies for this organization look like? How do we draw up the scope of work for violence interrupters? How do we figure out how to get the kind of services that we need for this larger Office of Violence Prevention Program? So, it is, my advice is, it is well worth what we're spending on it to get this right.

- And we certainly trust your judgment on that. I think back to some of the data, before we started to see the surge in gun violence, and I fully appreciate and acknowledge and recognize that that's a national trend. As much as we want to pretend that we're not, we're sort of exempt from those national trends, we can certainly see where that's happening. But I think pre-COVID, we were around, if I recall, I think right around 12 to 18 shots fired, incidents. Of course, we peaked, I think it was last year.

- In 2021.

- In 2021. A credit to you and your department, we've obviously saw a reduction on that. I know you held a press conference around that. So I want to commend you for that work. But I think most residents of Green Bay would still love to see that number trend downward, which is why I think this is a really good move and a good strategy. We've had this debate and this discussion. I just think helping us understand that scope of work would be useful prior to council.

- Sure.

- But again, just more than anything, wanted to commend you for the work that you've done up to this point, and of course continuing to make recommendations that get us down the right path.

- I appreciate that. And it obviously represents really a lot of hard work by the men and women in the Green Bay Police Department and our system partners. But one thing about this proposal that might be helpful to remember is, we're having a lot of success at dealing with the gun violence problem that we have now. And an Office of Violence Prevention that we would be getting this assistance with setting up will help us prevent the gun violence problem, five, 10 years from now.

- Mm hm. Good. Okay. Any questions? Committee? Alder Brunette.

- Yeah, I agree with you completely. That was the one thing that was missing that I noticed, was the scope of work. 'Cause it'd be good to know what it is exactly the group would be doing. It's quite a disparity in the bid dollar amount. \$150,000, \$575,000. I don't know how a competitive bid is released with that, such a, just the difference. I don't recall seeing that in anything similar to this. So anyways, that would be my only hope, is that we can get that before council.

- Sure. Yeah. We can make sure that gets in the packet, and we can probably email it to individual members as well if necessary.

- Thank you.
- Okay. Good. Any other questions? I'll entertain a motion.
- Move to approve.
- Second.
- We have a motion by Brunette, a second by Alder Galvin. Any further discussion? Seeing none, all those in favor say aye?
- [Alders] Aye.
- Opposed? Motion carries. Item number two. For consideration with the possible action on a new lease accounting policy.
- I'll take that one. So the lease accounting policy is something that has come up through new GASB standard. GASBE 87 is something we have to implement here for the end of this year, and our auditors had requested that we create a policy. So with the collaboration between Green Bay Metro, which is transit, and the city here, we have come up with this policy. So the Transit Commission was also bringing this through and getting it approved by their commission.
- Riveting reading. There was really only one thing that kind of stuck out to me. And of course I didn't write down the page, but there was a reference to depreciable schedules of assets. And I assume that that is a previously adopted policy that we have somewhere.
- Yes.
- Can we just kind of make a link to that or a notation of like where to find where that, so where it's talked about within this policy, that it just links directly back to that?
- We can do that.
- And this is how you're gonna know that I read it. The very first, second sentence, actually, it says Green Bay METO, M-E-T-O. So just a very small scrivener's error. Yeah. Alder Brunette.
- The bid proposal had a spelling error and you didn't catch that? It was categories, not category.
- Always a jokester.
- So you don't read everything. No, no comment.
- Okay. Any other questions? All right, I will entertain a motion.
- Motion to approve.
- Second.
- We have a motion by Galvin, a second by Hutchison. Any further discussion? Seeing none, all those in favor say aye?
- [Alders] Aye.

- Opposed? Motion carries. Item three. Request by Alder Brunette to the Finance Committee, which states, for discussion and disclosure on the possible legal expenses regarding the audio recording issue and pending lawsuit. Alder Brunette, I'm gonna defer to you to kind of set the stage on this.

- Yeah, thank you, Chairman Johnson. I do have a member of the public who would like to speak. So at some point I'd like to open the floor, or make a motion to open the floor. Obviously, from the meeting a few weeks ago, when Alderman Wery kind of laid a bombshell on the council that there was audio recordings being conducted at City Hall without knowledge or consent or approval of the city council, I think we all have been processing this and trying to get information. I know at least I have been attempting to get to the bottom of it. And from what I understand, everything up until this point has been entirely the actions of the Mayor, I think. So council members are now trying to figure out what our options are as a collective body, as individuals, what our duties and responsibilities are to, one, protect the city from any unnecessary liability, but also to get answers and some accountability. And I think that the legal action that the city is taking, I think it's important for the city council to know, and the public, how much this potentially will cost taxpayers. How many attorneys do we need to retain? How many hours do we anticipate those attorneys working on our behalf? What is the billable rate? 'Cause the way I see it is if there's a way to avoid any lawsuit or any potential litigation or liability to the city, I think as a council we should explore that. And I think that it's important for public accountability, as well as some accountability for the Mayor, who at this point, as far as I'm concerned, had sole authority on this whole issue. So I think we're entitled to know all of that.

- Okay. Yeah. And just maybe a point of clarification on this item too, for those and kind of read between the lines on the item, it does not say for possible action. So this is, to my knowledge then, would not make this eligible for an action item, and as a result would really be for discussion purposes this evening. A reminder to the committee members that this item is placed on the Parks Committee agenda for tomorrow night, where I know there are a number of questions related to this issue. How we got here, the decisions that were made, who made decisions? So I don't think we necessarily need to go into that tonight 'cause then we're kind of just overlapping and being redundant. Our scope of responsibility for the motion as it rests before us is really talking about possible legal expenses related to the defense of the city in this case. So I just kind of wanted to lay that groundwork so that way we don't go down that rabbit hole of all those other items that will be discussed tomorrow evening or in any manner that Parks Committee chooses to handle it. So is there someone from staff here who can speak to this?

- [Joanne] Hi, Alder.

- Oh, back there. Attorney Bungert.

- So generally speaking, this was tendered to our insurer, CVMIC, for coverage. So all costs with respect to the litigation and the pending action will be paid and covered pursuant to the terms of our policy and our Self-Insured Retention, or SIR, which is kind of our deductible, for lack of a better word.

- Do we know when they'll make a determination about whether or not this is-

- They've already made a determination. Any details with respect to determination and their analysis, though, I would recommend discussing in closed session, because it kind of goes into their legal analysis with their counsel and under our policy, which I wouldn't recommend discussing in open session.

- Does that directly contribute to the legal strategy of our defense?

- Potentially, which we do have a TRO coming up on Thursday morning, and like I've advised counsel, we will have outside counsel present for our update, our litigation update, for the Committee of the Whole, so that'll involve all council members, that can go into more details as to the legal strategy and their analysis and their recommendations.

- And as of right now, are you anticipating that you will have to secure outside legal counsel?
- We already have pursuant to our CVMIC policy. So when we tender it to CVMIC, our insurer, they control and direct the defense. That's what we agree to under the terms of the insurance policy. So their recommendation was to hire outside counsel, in particular Attorneys Waskowski and Engelke with Stafford Rosenbaum, based on their credentials and their experience with this type of litigation in municipal law. And based on their policy, they provide a recommendation. If the city attorney doesn't have any objections, CVMIC gives the go ahead and hires counsel, and all billing goes through CVMIC.
- Alder Galvin.
- [Bill] What is the deductible?
- \$250,000.
- So we cover the first 250?
- Correct. And that's for any claim. Any claim, any action, always the first 250.
- [Bill] And then they cover everything else?
- Correct.
- [Bill] But without going into detail, they believe that, by our agreement they're gonna, they have to cover us?
- They're providing coverage subject to a reservation of rights, which is standard.
- [Bill] All right. Because there's been times in the past where they said they don't believe-
- Flat out said no, correct.
- [Bill] That's right. Okay. So in this case they believe?
- It falls under the terms of the policy, for coverage.
- [Bill] All right.
- Alder Brunette.
- So thank you, Attorney Bungert. \$250,000.
- Yep.
- That is a budgeted line item.
- So that would come out of our general liability expense. So we have a fund that's budgeted for claims, suits, expenses, damages, that get, that the city has to pay out in actions. So that is budgeted for. So this wouldn't be a situation where we would have to find money to cover.
- Sure.

- This is something we prepare for, because it's just the course of business where lawsuits are filed against the city.

- Yeah. And so I think, public knowledge, that may not be known, I knew that we had an insurance policy. I wasn't quite sure what that would entail with additional legal expenses, because the suit, I read the suit, and I'm not an attorney, but I think that anytime there's a lawsuit that alleges violation of civil rights, and I'm not quoting verbatim the lawsuit, but those are all very concerning allegations.

- Sure.

- And the legal exposure to the city could be great. So even though the insurance policy covers attorneys, that doesn't necessarily mean that our insurance policy will cover all claims over a certain policy amount. What protection does the city have through our insurance policy?

- Our protection I think goes up to a million. And then I believe we have excess coverage, but I'm definitely not the insurance expert by any means. But we pay the first 250 and then anything above 250 goes into what's called the CVMIC layer, which is covered by like, the insurance premiums we pay every year, that's the coverage and protection we get, and I believe we have excess carriers above that as well.

- Right. And I'm just gonna throw it out there, 'cause we had a conversation, and I'm not gonna betray the confidence of our conversation for obvious reasons.

- Mm hm.

- But one consideration that some council members feel is that we hadn't done anything to authorize this.

- Correct.

- Now the lawsuit's named the city, as a whole, as an entity, that we're all responsible for, but also Mayor Genrich. The concern is because we weren't notified about any of this, that there could be some members of council that are not in agreement with the actions moving forward like us, us, rather than coming up with some settlement versus fighting and creating a legal statement or strategy. So some council members were feeling that maybe it would be appropriate to retain outside counsel for them, us, as a body.

- Sure.

- Could you elaborate on that? Is that a possibility? What the cost of that'd be?

- I think that's gonna be probably a better conversation when we discuss with outside counsel. Just to clarify, council members are not individually, neither is the council as a whole, named defendants. It's the City and the Mayor. And we have one insurance policy that covers the actions of everybody. So it's looked at as one collective entity, and only the Mayor is named in his official capacity in the suit. And based on what the statute provides, the city attorney responds to all legal actions that are filed against the city. That's my job to defend. And in the case of anything that falls under our insurance policy, because we entered into that insurance policy agreement, CVMIC directs that defense in consultation with my office. But as far as details, as far as strategy and all that, I think that that will be best suited for that litigation update with our outside counsel. And they can kind of go over all that with you as well

- And I want to state, too, and I think it's important, that you know this and the public knows this, that like any entity, any municipal entity, there are usually a lot of actions that are initiated against the city, and our Law Department has, in my estimation, done a very good job in limiting the exposure to the City. This is a little different circumstance. This feels a little different than some of the other things that we have experienced. So I think that that's why a lot of these questions and the in depth analysis is being created, because it's so new. It

just seems so bizarre. Everything that has happened to get to this point, and before we move forward, we need to know the full expenses, which is why I put this on the agenda item, and Alderman Johnson agreed to it. But I do think it's important to know that our Law Department has done a great job, and I hope you all agree, with limiting exposure to the city. Because of the extraordinary circumstances around this, it requires deeper conversation.

- So we have the \$250,000 deductible, and if I understood what you said correctly, there's a million dollar cap, but there is a possibility of a secondary layer of coverage beyond that?

- Yes.

- Can we get confirmation on that before we do Committee of the Whole discussion? Perhaps even for tomorrow's meeting?

- [Joanne] Correct. Yep.

- Okay. The other question-

- I think Diana, or Director Ellenbecker?

- Yep. Director Ellenbecker.

- Yes, I can confirm that on an annual basis we do pay for excess liability. I don't have all the schedules or the amounts that, like you said, what coverage there is, but we do pay on an annual basis for excess general liability.

- Okay. And so something that I don't fully understand, and why I need the lawyers to answer this, is the city subject to punitive damages when you have a plaintiff in a case like this? Is that a possibility?

- That's gonna go a little bit more into legal analysis, which I'm not prepared to answer, plus I shouldn't be answering without outside counsel, as they're gonna be directing the defense.

- And I want to be clear, if you're asked of any questions, and you feel you shouldn't answer them, just say that.

- Sure.

- Okay.

- [Joanne] Mm hm.

- And of course the reason-

- [Joanne] I plead the 5th. No, I'm kidding.

- Yeah. Of course, the reason I'm asking the question is I'm trying to understand, there's the legal fee side of this, but I wanna understand the total of this.

- Yes, and then there's the damages. Depending on how you categorize the damages, damages go against the, get calculated against that SIR, towards the total amount we have to pay until we get into the CVMIC coverage. So it's not just legal expenses, it's any settlement amounts, damages, anything like that.

- Okay.

- So it's both. Kind of like for a medical expense, it's like the fees to the doctor, plus your out of pocket expenses, all that gets calculated towards your max out of pocket. Same concept.

- So within the city budget, the \$250,000 deductible here, the amount that you have budgeted for these types of suits, is it sufficient enough to cover that amount or do you anticipate we'd have to go to contingency if we had to meet that deductible?

- I don't believe so. I'm not sure how much we have in general liability as a whole, but that's not in my departmental budget. I think we have allocations for general liability for each department, like car accidents or other property damage that happens in the course of city business from all the different departments. But I would defer to Finance.

- We are self-funded. So we have a separate fund that covers all the general liability. So every year we're budgeting for an estimate of what we expect our expenses could potentially be. We also book up the end of each year what our outstanding expenses may be from settlements that we have not settled yet. I don't know the exact fund balance. I'm looking at Diana to see if she's had a chance to look it up. But I believe we are sufficient. And in the past we have also gone negative. And then the next year we just have to budget more to help cover and get that fund balance back to a positive.

- So it does have a fund balance that's maintained?.

- Yes. And rolls over year to year.

- Yeah. Okay. Alder Galvin.

- [Bill] Attorney Bungert, in the past, the city gets sued all the time. A guy falls out on the sidewalk, he sues. DPW backs a truck up into someone's car.

- Correct.

- [Bill] Okay. But have we had any other suits? And you've been with us for?

- Almost nine years.

- [Bill] Almost nine years. So in the past nine years, do you recall any suits, obviously not exactly like this, but other suits that we've had?

- Other suits, well, with respect to claiming improper actions by city officials or by the city, a lot of the election litigation was based on that. Was based on administration, not necessarily council specific, but administration not conducting elections properly, lawfully, things of that, those types of allegations. That's the most recent one, where an administration or staff actions are being called into play in a legal action. Are you asking any others that rose past-

- To this level.

- To this level?

- Wasn't there one, well the one I referenced before, where CVMIC refused to cover.

- Oh, where there was coverage dispute. Sure. I don't want to go into too much detail, because there was a settlement between us and CVMIC and the plaintiffs in that matter. But that was the Oneida Seven Gens litigation, and that was solely based on decisions made by the body, by council itself. But it wasn't council being sued, it was the city. So it was the city's actions, so the city had to defend. I believe that was the only one that

went like north of our SIR, or into like the CVMIC layer. And that was an action that went all the way up to the Wisconsin Supreme Court. I've never seen an action in circuit court, at a circuit court level, go up, go anywhere near \$200,000. It's usually, and again, I can't estimate in any sound way as to what the fees would be in this particular pending litigation. But in my experience, when you're in those types of figures, you're in an appeal stage, or even further. With respect to legal fees.

- [Bill] And when the city sued, like, say, when I was a police officer, I was sued. Right?

- Mm hm.

- [Bill] But it was the city that was being sued.

- Correct.

- Okay.

- It is usually always the city, and then individual actors in their official capacity.

- Right.

- Always.

- [Bill] So this goes on all the time?

- Correct.

- [Bill] Probably, how many times a year?

- A majority of the time, pretty much every suit is usually city, and if there is an individual employee, it will be an individual employee, particularly with police actions, it'll be the city, our insurer, and all the officers involved in a particular issue.

- [Bill] Okay. All right, so this isn't unusual?

- No.

- Okay. Thank you.

- Mm hm.

- Two questions that come to mind for me. One is, because, this is related to Finance Committee.

- Yep.

- How is the purchase of this equipment funded?

- I think through just a budgetary line item. So as you may be aware, we have line items for equipment purchase and things for needs of any particular department. If it goes above \$10,000, it has to go to Finance-

- 25

- 20, 25. It has to go to, how often I buy things for \$25,000. Not often. If it goes above 25,000, it then has to go, even though it's budgeted for, we still need to get requisite approval from Finance and Council to make

that purchase. I think Deputy Cochart has the numbers as far as what the cost was. I don't know if we're still finalizing exactly all the costs, but we're gonna be able to provide that to Parks Committee tomorrow.

- Did the purchase of that equipment come through Finance Committee?

- It did not, because it did not go to that threshold.

- Okay.

- Yep.

- Okay. So the purchase of the equipment happened without Council's knowledge?

- [Joanne] Correct. Yep.

- Okay. The... I forgot my second question. I'll come back to it.

- [Joanne] Okay.

- Attorney Bungert.

- Yes.

- [Bill] As I believe I've read in the paper or seen on the news, Transit has audio and video recording.

- Correct.

- [Bill] PD has audio and video recording.

- Correct.

- [Bill] Does anyone else have audio and video recording?

- In the city? Not that I'm aware of.

- [Bill] Okay, and those two entities, when they installed their recording equipment, do you know if that went through Finance, or was that again underneath that-

- Not that I'm aware of. Obviously Transit has its own body.

- [Bill] Right.

- PD does regularly come to Finance for certain expenditures, but I think the same thresholds apply to PD as they do for any other department with respect to, in like budget purchases that can be allocated to a particular budget line item that are within the expenditure restraints that we have for department heads.

- [Bill] So the only things that really came to the council, the past ones, were the audio and video recordings in squad cars.

- Yes.

- The body cameras.

- Yes. Because of the cost and-

- The cost.

- Yes, and entering into the purchase agreement and so forth, yep, so that's why-

- [Bill] But the equipment in the PD wouldn't have risen to that level? Like in the lobby and that?

- I can't say, right. The Chief is here, but I can't speak to what the actual costs were, but that would be my presumption.

- Body cams we authorized through here.

- [Bill] Right. And that's what I said, because of the cost level. But had the body cams been under \$25,000, it could have gone right by us without a ripple.

- Correct.

- Okay.

- Okay.

- Thank you.

- I remember the question I had, if you, and I'll be real quick, Alder Brunette. So if this body, this council, would ultimately say, "Hey, once we learn more about the total cost of legal defense, that really it's not worth the fight."

- [Joanne] Sure.

- Is it possible for us to simply pass a policy that says we're not gonna record? Does the suit go away?

- [Joanne] So that I would reserve having that conversation with outside counsel.

- Okay.

- [Joanne] As part of that strategy review and kind of what other subsequent or collateral actions you all can be taking with respect to this issue, either in connection with the suit or outside of the suit, just separately.

- Yeah. And ultimately the reason I ask that question why is directly related here, is I want us to fully understand the gravity of the financial impact of this decision and council's ability to remedy that.

- Sure, sure.

- Okay.

- Absolutely.

- [Bill] If I could just dovetail on that real quick. From personal experience, I and another officer were sued, CVMIC covered it.

- Mm hm.

- [Bill] But when it came time for a trial, CVMIC said, "We have done a cost analysis, the cost of trial, it's just not worth it. We're gonna tender an offer"-

- To settle, correct.

- [Bill] To settle. Could that happen here?

- Theoretically, yes, as CVMIC is directing defense.

- [Bill] Okay.

- Because they've issued coverage determination on this. So they're kind of in the driver's seat, pursuant to the terms of our insurance policy.

- [Bill] All right. Thank you.

- Alder Brunette.

- Just a gentle critique to Alderman Galvin. When we were talking about the body cameras, there was a financial component, but there's also a policy consideration. 'Cause at different times people have different opinions on cameras, whether or not they are needed or not. I think as a society, as a city, we kind of came around, perhaps as a whole, 'cause it was a unanimous vote of the council to say, "Yes, the body cameras are good policy." This is, and I'll tie this into a financial question. This is why this particular action was so perplexing, because the Mayor has discretion over City Hall. When we talk about security as the overriding reason why this was required, this is a little different than say security badges or shatter resistant glass. Those are all reasonable things to keep a building secure. The rationale being used was that this is keeping people safe, but not noticing the recording, the audio recording with a sign, people who otherwise would create trouble in City Hall don't know that they're being recorded, therefore, that wouldn't deter that behavior. The reason why it's a financial discussion now is that the storing of the data, I know that was a big consideration with the body cameras. We have to store data. What is the cost of storing the data?

- Sure. That I don't have any details on. My understanding is the data's stored internally on a server. So I'm not sure if there's any associated costs with that. I know the Chief, but I don't-

- We'll get it for tomorrow.

- We could get it for tomorrow.

- That'd be great.

- Sure.

- Yeah. And then one other thing. Shoot. Oh yeah. We all care about the public, we all care about city employees. The thing that frustrates me about this is if there were a lot of issues at City Hall, and there are a lot of concerns about the safety of our employees and the public. They were installed in December, from what I can tell last year, 2021 calendar year. We should have been talking about security of our building during that budget. And then we just passed the budget, and as far as I'm concerned, I didn't hear much about possible security upgrades to City Hall. I'm not directing this at you.

- Sure.

- But this is why I think as a council we're frustrated, because we're trying to limit the financial exposure to the city. We're told that it's because of security reasons, but yet we didn't have a policy discussion or a budget

discussion around securing this building. 'Cause I think if it was presented that way, I think a good number of us, if not all of us, would've said, "Yes. Pay this amount of money to secure our employees, to make sure City Hall employees feel comfortable coming to work." We didn't have that discussion, and that's where I think a lot of us feel very frustrated.

- Sure.

- Not at you, but at the situation.

- Mm hm.

- That's it.

- Okay.

- And I see Alderman Wery has his hand raised. Alder Wery.

- [Chris] Thank you, Mr. Chairman. Appreciate you doing, and Alder Brunette, putting this on the agenda. This is the first time in 19 months that City Council gets to discuss this issue. And obviously there's lots of debate around the ethical nature and the legal nature of it. So this is gonna start, I think, a lengthy and wholesome debate over the next few weeks. It's serious stuff. Constitutional rights are at play here. So my question for Attorney Bungert, due to the huge unnecessary liability and, well, unknown expenses, will the insurance policy also cover City Council's outside counsel if we choose to move in that direction?

- I think that's gonna be a better question posed for CVMIC, as CVMIC makes determination of coverage. My understanding is we only have one policy. And Council is not named as a defendant, so they wouldn't be entitled to separate representation. They're not named in the suit. The City as a whole is named in the suit, as is the Mayor. And they are both qualifying officials and entities that are under the policy.

- [Chris] Thank you. Would you be able to reach out to them and ask? I had asked your office this last week, and I was thankfully forwarded the policy. But that doesn't tell me how it's going to be interpreted.

- Yeah, nope, I can forward that question onto to our CVMIC contacts for a determination.

- [Chris] Okay, and then if the council were to pursue their own legal representation, we would need to find the funding source for that?

- [Joanne] Again, that might be a more complicated question, as in what capacity council would be getting their own counsel. Sorry for the repetitiveness of that. So I don't think that I have a straightforward answer for that. There would be a number of other factors that would need to be reviewed as to whether that would be a possibility. Again, at this point, I'm not seeing that being a possibility, as council and none of the alders are named defendants in the action.

- [Chris] Well, however, if we're approving funding or direction, anything of that sort for a defense that we will, then yeah, we. My vote will not condone or approve any illegal activities. And I'm gonna make that well known right now.

- [Joanne] Sure.

- [Chris] So what if the council decided, "Hey, you know what, we're not gonna defend this."

- Sure. I think that that might be a better conversation with the outside counsel, and kind of exploring those concepts and issues.

- [Chris] And thus my question is, we are going to get a one-sided legal advice right now from your outside counsel. This is why we need our own legal counsel. And I'm prepared and several others are as well to have a special meeting on Friday to approve us having our own counsel so that we're ready for next Tuesday.

- [Joanne] So to kind of back up a little bit, Alder Wery, and this is entirely beyond the scope of the agenda item, so I'm gonna try and address this very succinctly. There have been there, the issue of hiring additional counsel for council has been brought up numerous times, in my tenure, and we have an opinion from the League, and it has been vetted and recirculated numerous times, that council does not have the authority to hire their own legal representation. They are part of the city as an organization, and the city attorney, under statute, is compelled to defend the city and all of the components thereof, which includes all the alders and council. This council does not have the unilateral authority to hire their own legal representation. There are distinct-

- [Chris] Well then I would politely disagree. I think there are plenty of other legal opinions-

- [Bill] Chair, point of order.

- [Chris] Of attorneys that would disagree, and I would like to present those to the council. We're being hemmed in on something that most of us, I think want no part of.

- Alder Wery, just one second please. There's a point of order that's been called.

- [Bill] We're totally off what the subject is supposed to be about. It's about financing.

- [Chris] And my question was about financing.

- [Chris] No, it's about, no, as it's been stated, you're off, you're looking to finance counsel for the council. That's not an agenda item. Save that for the day it's supposed to be talked about, which would be at the city council meeting.

- [Chris] Actually I will be talking about it quite a bit tomorrow at my committee, and then hopefully at a special meeting on Friday. So yes, we can end here if you'd like.

- Okay. Any other questions, Alder Wery?

- [Chris] I'm good, thank you.

- Okay. I'm trying to see if there are any other alders on Zoom that have any questions?

- No.

- I don't think so. Otherwise, any other questions from the committee? Speaking as like the youngest alder, I'm still trying to get my arms around what the mayor and his administration did, what council members did, recently, what the state did recently? Seemingly in a very timely manner, things got turned around. I'm kind of just kind of boggled at this whole thing. So I'm remaining quiet because I just simply don't know what to say at this point in time. But I will follow this through. I think I'm following it through, like citizens of the city, like, "What's going on?" And I wanna watch what's going on and see what happens. And I can't wait for things to come out that further back up different viewpoints as to what's going on with this thing. So that's my only thing.

- Thank you. Thank you, Attorney Bungert. I know there were some members of the public I believe that wanted to speak, so I will entertain a motion there.

- Motion to open the floor.

- Second.

- We have a motion by Alder Brunette to open the floor, a second by Alder Galvin. Any discussion? Seeing none, all those in favor say aye?

- [Alders] Aye.

- Any opposed? Motion carries. Is there any members of the public, on Zoom or in person, that wish to speak? Just go ahead and approach the podium. If you could state your name and address for the record, please.

- I'll do that. Scott Liddicoat, 1431 Springdale Lane, here in Green Bay. And only about 90 seconds. It seems to me that there's an easy solution for paying to defend against this lawsuit. But first, a little context, because I didn't come to this solution on my own. I talked to this over with friends last week. They're the kinds of people who go down the street with their snowblowers, looking for people to help when it snows real hard. Of course, my friends and I are now paying higher property taxes to fund the secret surveillance of our conversations in City Hall. We agreed, we agreed that even though there might be some obscure ordinance or policy, that through tortured legal reasoning might place our mayor in a perfect state of grace to order the installation of a secret audio surveillance system without informing his constituents or their elected representatives, that our mayor has failed on a fundamental and critical level. No ordinary citizen I have spoken with, and there have been many, agrees that secret audio surveillance should have ever been done under any circumstances in City Hall. Ordinary people understand this without having to consult ordinances, rule books, or lawyers. Ordinary people just consult what they know to be right and wrong. That being the case, the mayor who took this action, on his own, should pay for legal defense against his action, on his own. Thank you.

- Thank you. Is there anybody else? Anybody on Zoom? Okay, if not, we'll entertain a motion to close the floor.

- Motion to close the floor.

- Second.

- Motion by Alder Galvin, a second by Alder Brunette. All those in favor say aye?

- [Alders] Aye.

- Opposed? Motion carries. All right, committee, any additional discussion? Alder Brunette?

- Yeah, it was an informational item. I think that these are important things to discuss, and quite frankly for some council members to get off their chest, the frustrations that they have felt since this happened. And Alder Hutchison, you're exactly right. You're going through this just like most, if not all of us, are going through this, trying to figure out what exactly happened, and how the city can get out of this situation for something that, as the speaker just said, just basic decency or just basic public input, of informing the council or the public that there was audio surveillance being conducted. So now we have capable attorneys. They have a proven track record of representing the city well, but now because of our insurance policy, we have to accept the counsel of perhaps outside attorneys who are experts in this sort of thing. So this whole thing is now snowballed into this big mess of an affair. And tomorrow's gonna be a big day. Thursday's gonna be a big day. Tuesday's gonna be a big day. And we're all looking for clarity. And I think that this discussion about the financial components of this potential liability, I think that was a big part for this committee to discuss. So thankful that you put it on the agenda.

- Okay. Yeah, and I, to kind of echo some of what Alder Brunette, I think there is a great deal of frustration amongst alders because, here in front of the Finance Committee, we're being asked to talk about the financial risks and exposure that the city has to this item. We're the committee and the body responsible for the fiscal wellbeing of the city. And yet we have very little knowledge or information about the city's position or why we have to say no to disabling this equipment. And so I hope that knowledge comes soon. I really do. Whether it's tomorrow, whether it's Committee of the Whole. But we're almost in a sense the cart before the horse here, 'cause we're talking about how do we protect the financial wellbeing of the city, and we don't even know why we're in the position that we're in. And I think that is incredibly frustrating for any decision making body. So of course this is a, we asked a few questions that, based on a limited information that we do have about why we're facing the financial risk that we are. But I hope some additional information comes forward soon so that we can really understand the true scope of risk here before we get in over our heads. All right, any other questions, comments? If not, committee, what's your pleasure?

- [Bill] It's not an action item, so let's move on to the next item.

- Well, it's not informational, so we have to do something with it. Receive and place on file I presume would be the appropriate item.

- [Bill] Motion to receive and place on file.

- Second.

- So a motion by Galvin, a second by Brunette. Any discussion? Seeing none, all those in favor say aye?

- [Alders] Aye.

- Opposed? Motion carries. Item four. Consideration with possible action on the Second Amended 2023 City of Green Bay Fee Schedule. Deputy Director, is it deputy or assistant?

- I'm the Assistant Director.

- I don't even know what the difference is.

- I don't even. Either one works for me.

- All right, are we going to you, or are we going to Director Ellenbecker?

- I'll go to Director Ellenbecker, or Attorney Bungert can?

- Yep, I can take it too. Yep. I should've stayed. Okay, so we have three main, I think four individual changes. but as some of you may know, we have a pending massive revision to Chapter 4, which is our liquor licensing chapter. And with those revisions, which we are hoping to have that amended and adopted revised ordinance for first and final reading to Council on the 7th?

- Yes.

- Yes. To fit a timeline so that it becomes effective for the new licensing period or the renewal period, to just kind of streamline things, to make things a lot more effective, easier for our license holders, for staff, kind of cleaning up the whole process. But I digress a little bit. There are some fee changes that are resulting as of that, due to that ordinance, and so we're trying to bring it all together. A little bit cart before, maybe cart and horse at the same time. So that's why that's before you. In addition, the tipper cart fee had to be amended, it was incorrect, as well as one of the reinspection fees. And you should have had two versions in the packet. That's all redlined. So it kind of gives you, it shows you the changes that we're proposing. That's it.

- Okay. Committee, are there questions? I have to admit I'm going through this, and I'm trying to find, I appreciate your overview, I'm trying to find where the fees are within here?
- Okay.
- Oh, it's bolded. Okay.
- Yes. It should be bolded in red and underlined.
- So it's bolded for us, though, as to what the item is, but not necessarily what it was.
- [Joanne] Okay. We can provide a redline version for council if that will help.
- So I saw late fees being added under Chapter 4 for the application of \$50.
- Correct.
- I see the tipper carts listed at 100. What was it?
- And what was it before?
- 90.
- It was 90.
- Okay. So pretty nominal there.
- [Joanne] Mm hm. And the reinspection fee I think went from 50 to 75. There was one that was missed, I think, from the last time we did the fee schedule.
- Was it at 75?
- Yeah.
- Yeah, it's at 75 now. It used to be at 50, and we increased that.
- We've been charging 75, haven't we?
- We have, but there's re-inspections, they're in separate, in different categories, that kind of-
- Oh, and this one I see is-
- Correct.
- Under multi-family.
- [Joanne] So there's three, it's in three areas of the fee schedule, and we got two and we missed one.
- Okay, so those really basically changed then from 50 to 75, okay. To be consistent with the other categories.
- Correct.

- Okay. Questions?
- Looks pretty good.
- Motion to approve.
- Okay.
- Second.
- Okay, we have a motion by Alder Galvin, a second by Alder Brunette. Any discussion? Seeing none, all those in favor say aye?
- [Alders] Aye.
- Opposed? Motion carries. Okay, item F, Informational. Number 1. 2023 Contingency Account still remains at \$250,000. Item two, the next Finance Committee meeting will be held on Tuesday, March 14th, 2023, at 4:30 PM. Is there a motion to adjourn?
- So moved.
- Second.
- We have a motion by Brunette, a second by Galvin. All those in favor say aye?
- [Alders] Aye.
- Opposed? Motion carries. This meeting is adjourned at 5:19.