

MINUTES
Ethics Board
Tuesday, July 5, 2016
City Hall, Room 207
5:30 p.m.

Members Present: Bill Vande Castle, Dawn Foeller, Mark Olsen, Ald. Bill Galvin

Members Excused: Wa Yia Thao, Alt. Dr. Justin Mallett

Others Present: City Atty. Vanessa Chavez, Asst. City Atty. Joe Faulds, Ald. David Nennig, Ald. Guy Zima, Ald. Barbara Dorff, Chief of Staff Celestine Jeffreys, Debbie Jacques, Atty. Rich Nell and members of the media.

1. Call to order.

The meeting was called to order at approx. 5:30 p.m. by Chairman, Bill Vande Castle. Roll call was taken as noted above.

2. Approval of the agenda.

Motion by D. Foeller, seconded by B. Galvin to approve the agenda. All in favor, motion carried.

3. Approval of minutes of the June 13, 2016 meeting.

Motion by B. Galvin, seconded by M. Olsen to approve the minutes of the June 13, 2016 meeting. All in favor, motion carried.

4. Adoption of finding of facts and conclusions of law in the matter of the Ethics Complaint against Chris Wery filed by Debbie Jacques under the City of Green Bay Code of Ethics Section 1.90, Sec (1), (2), and (3).

B. Vande Castle states that they should have received a document from the City Attorney's office legal staff who agreed to prepare the document after the Ethics Board's last meeting. The document they all should have states "Staff Proposed Findings of Fact and Conclusions of Law" in bold print across the top. He confirmed that they all have the same copy and asked if there is a need for any discussion on the proposed document. Everyone states no. He asks if there is a motion to approve.

Motion made by B. Galvin, seconded by M. Olsen to approve. All in favor, motion carried

B. Vande Castle states that as referenced on the bottom of the conclusions, above the signature line, that there is reference that either the complainant or the person charged can file an objection by 5:00pm on July 19, 2016 and would have an opportunity to plead their case to the Common Council.

5. Referral of the findings of facts and conclusions of law from the Complaint against Chris Wery filed by Debbie Jacques under the City of Green Bay Code of Ethics Section 1.90, Sec. (1), (2), and (3) to the Common Council for appropriate action.

B. Vande Castle inquired if there is a motion.

Motion made by D. Foeller, seconded by B. Vande Castle to refer to the Common Council. B. Vande Castle then asks if there is any further discussion. Ald. Zima asks a question and motion was made to open the floor. Motion to open the floor made by B. Galvin, seconded by D. Foeller to open the floor.

Ald. Zima asks who compiled the findings of facts and conclusions. He wants to know if it was the committee. B. Vande Castle states these were the findings that were discussed at the hearing on June 13th. They already went through and discussed them. The City Attorney took notes during that meeting and prepared it for their review. Discussion continues between B. Vande Castle and Ald. Zima regarding the Code of Ethics and the standards and the difference between the Code of Conduct and the Code of Ethics. This complaint was made under the Code of Ethics.

Motion made by M. Olsen to close the floor, seconded by B. Galvin. All in favor. Motion carried.

Motion to refer to the Common Council previously made by D. Foeller, seconded by B. Vande Castle is now voted on. All in favor, motion carried.

6. Election of Board Chairperson and;

7. Election of Board Vice-Chair.

B. Vande Castle states in his reading of the code he's not sure if it should be done annually but believes since the members of the board could be changed annually through appointment he wanted it on the agenda so they can review it. B. Vande Castle states he's willing to stay on as Chairperson unless someone else would like to step up.

Motion made by M. Olsen to nominate B. Vande Castle as Ethics Board Chairperson, seconded by B. Galvin. All vote in favor. Motion carried.

M. Olsen indicates he is willing to stay on as Vice-Chair. D. Foeller makes motion for M. Olsen to stay on as Vice-Chair, seconded by B. Galvin. All vote in favor. Motion carried.

8. Consideration and possible action on request for confidential advisory opinion from employee pursuant to Wis. Stat. § 19.59 (5) and Green Bay Municipal Code § 1.90 (9).

City Attorney Chavez explains to the board that a memo they all have now explains a situation regarding a request for confidential advisory that was received from an employee of the city. Under the state statute and municipal code an employee can ask for an advisory opinion from the Ethics Board. The statute requires that the person's name and identifying information remain confidential. They could discuss there; refer to the law department; or the board could meet with the employee in a closed session.

B. Vande Castle states he hasn't had time to review the memo since they just received it that afternoon. He asks if there is a timing issue. Attorney Chavez states that timing is always of the essence and it is up to them if they want time to discuss or refer to the law department. B. Vande Castle asks if anyone wants to discuss. M. Olsen asks if there is a conflict that they know of and she states that the law department has just received the request last week and have not had time to fully research it. Discussion continues.

Motion made by B. Vande Castle to refer the matter to the law department for them to review and respond, provided that in the review that if they find an issue that requires the Ethics Board, to bring it back to them. Seconded by D. Foeller. All in favor. Motion carried.

There being no further business, motion by D. Foeller, second by B. Galvin to adjourn. All in favor. Motion carried.

Respectfully submitted,

Deanna DeBruler