

ETHICS BOARD

Time and Place: Monday September 11, 2023 at 3:00 p.m., City Hall (407 Grant St.) – Board Room
Members Present: Doug Hosler, Calvin Dexter, Robyn DeVos, Brian Mason, and Kay Palmer
Others Present: Tara Alfonso, Tegan Troutner, Mary Goede, Kody Hart, Jesse Kearns

In compliance with Wis. Stat. § 19.84, notice of this meeting was duly posted and sent to the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 3:02 p.m., Acting Chairperson Hosler called the meeting to order.

(1) Discussion and possible election of Chair and Vice Chair

Motion by Palmer, seconded by DeVos, to defer the election of the Chair and Vice Chair to the next annual meeting in January. Motion carried 5-0.

(2) Approve minutes of the May 23, 2023 Meeting

Motion by DeVos, second by Dexter, to approve the minutes. Motion carried 5-0.

(3) Discussion and possible action on amendments to Chapter 2.03 Code of Ethics for Public Official and Employees

Assistant City Attorney Tara Alfonso explained she prepared a draft with the things she thought should be changed, focusing primarily on the procedural items. She indicated Chair Doug Hosler previously reviewed it and added his own comments for regulating behavior or conduct of alderpersons versus ethical financial conflicts. She noted state law sets forth these financial gain corruption type items. She felt if this board's recommendation is to prohibit certain behaviors or other kinds of conduct, they will have to look very carefully at it because trying to regulate behavior/conduct, such as personal antagonisms and public responsibilities, is very vague. She questioned what kind of due process standard would be applied.

Alfonso noted there are two communities, Green Bay and Eau Claire, that have an actual Code of Conduct for officials which is separate from the Ethics Ordinance. It provides that if someone does something that offends another alderperson, the Code of Conduct asks that person raise a Point of Privilege or Point of Order at a meeting and the mayor or council president could address it to decide if it is inappropriate and the person who made the comment can either apologize or not. They also set forth an option for professional mediation between the parties; and a third option is censure, which is a more formal process. She felt the Council might have a lot of thoughts on this and may or may not want to do it. She commented she would hate to see some of the substantive procedural things that really need to be done get bogged down by this, but it is another way they could approach it.

Calvin Dexter commented he was more concerned about ethics which involve corruption and conflicts of interest than he was in how members of the city council conduct themselves during meetings. He felt the Council should address matters of decorum for themselves. He indicated he would like to concentrate on the Code of Ethics, which he did not believe was intended to be only financial conflicts of interest and financial corruption, but unlawful conduct should also qualify.

Alfonso pointed out The Code of Conduct for Green Bay covers more than just their council meeting behavior. It also addresses elected officials conduct with one another; with city staff; towards the public; outside public meetings; contact with public agencies; with boards and commissions; and with media.

Brian Mason also felt the board should stay in the "ethics lane" at this point and concentrate on the draft ordinance.

The board began a review of the draft ordinance and made the following motions:

Motion by Dexter, seconded by DeVos, to revise the ordinance to replace the word or variations of the word "accused" with the word or variations of the word "respondent" and include the word or variations of the word "complainant" in place of any person filing an ethics complaint where appropriate, and add a definition in Chapter 2.03.030 for unlawful as any act or omission prohibited by statute, ordinance, regulation, or violates common law. Motion carried 5-0.

Motion by DeVos, seconded by Dexter, to not accept proposed change in Chapter 2.03.010 (a) - "and avoid conflicts between personal antagonism and public responsibilities." Motion carried 4-1, Hosler voting no.

Motion by Dexter, seconded by DeVos, to add the word “harm” in Chapter 2.03.030 (a) to read “... to damage or harm another...” and to add the phrase “unlawfully damaging or harming another person” in Chapter 2.03.030 (c) to read “... that could result in unlawfully damaging or harming another person, the receipt of anything...” Motion carried 5-0.

Motion by DeVos, seconded by Palmer, to revise Chapter 2.03 to use consistently throughout the section to the words “public position, office, or title,” where appropriate. Motion carried 5-0.

Motion by Dexter, seconded by DeVos, to revise Chapter 2.03.030 (d) to read “... to damage or harm another person.” Motion carried 5-0.

Motion by Dexter, seconded by DeVos, to accept the alternative revision of Chapter 2.03.030 (j) and revise the revision to delete all the words after the phrase “or which he or she knows is” and add the word “unlawful.” Motion carried 5-0.

Motion by DeVos, seconded by Dexter, to not accept proposed change in Chapter 2.03.030 (m) – “or to grant less than that which is available to every other person.” Motion carried 5-0.

Motion by Dexter, seconded by DeVos, to remove the phrase “because of a conflict of interest,” in Chapter 2.03.040 (a). Motion carried 5-0.

Consensus was to set another meeting for Monday, October 2, 2023, at 2:00 pm, to conclude the review.

Alfonso indicated she would work on language for alternate board members regarding maintaining and/or achieving a quorum and bring it back to the next meeting.

Adjournment

Motion to adjourn by Mason, seconded by DeVos. Motion carried unanimously. Meeting adjourned at 4:32 pm.

Respectfully Submitted,
Mary Goede, Deputy Clerk
Kody Hart, Deputy Clerk