

Item 23-0403: Rule 4. Resolutions / Meeting Minutes

Common Council – Informal Organizational Meeting

Tues, Apr 18, 2023 6:00PM

Mayor Jake Woodford 1:13:57

Okay, next, this one comes to us from alder Del Toro. Alder Del Toro, go ahead.

Aldersperson Israel Del Toro (District 4) 1:14:06

Thank you, Mr. Mayor. I want to start off by saying that the words that we submit as resolutions have implications, and they have consequences, and even if they are not passed as ordinances or resolutions down the line, words have been spoken, words have been said, and those words have the potential to be harmful.

Aldersperson Israel Del Toro (District 4) 1:14:27

This resolution is crafted in a way that minimizes the spread of misinformation in our community and false information, downsizes the opportunity for defamatory language to occur, or any language unbecoming of a public servant. However, I will say that I intend to modify this resolution, or this rule, to not let the mayor decide if the resolution will be accepted into record and distributed by the committee for review or further discussion but rather the Council president, and I feel that that distinction is important, because that process should stay within the legislating individuals. So, as the Council President, the Council president is one of those individuals, therefore, I will be changing this or propose to change this to instead of Mayor switch that out for Council President.

Aldersperson Israel Del Toro (District 4) 1:15:22

It's important that what we share with the community and the face that we put in front of our community is one of truth, diligence, doing our homework, doing our research before just writing something out—your opinion. In the honor of The Big Lebowski turning 25 tomorrow, it's not just about "your opinion, man." It's really, really about doing your good research and doing what's best for the community on good solid fact—period. And that's what this resolution is—or this rule is intended to do.

Mayor Jake Woodford 1:15:59

Alder Croatt.

Aldersperson Chris Croatt (District 14) 1:16:03

Thank you, Mayor. I really hope that we do not adopt this. I have some concerns with it. One being either the mayor or the Council president deciding if a resolution will be accepted into the record. The other being the language of the resolution is written by the submitter, and if there's language in that resolution that is deemed unacceptable, there's you know, there can be consequences to that one way or another. I just don't think we should get into the business of having the Council President filtering our resolutions. Thank you.

Mayor Jake Woodford 1:16:44

Alder Hartzheim.

Aldersperson Sheri Hartzheim (District 13) 1:16:45

Thank you, Chair. I'm wondering if we could get an opinion from the city attorney in regards to what kind of danger territory are we in with public notice, etc. So, if a resolution has to be submitted to Council 48 hours before, that's Council business coming to all Council members, almost like a silent quorum, 48 hours before it's

going to actually become city business. I'm very uncomfortable with all of the potential implications that come with that, and I would encourage us not to adopt this addition.

Mayor Jake Woodford 1:17:25
Attorney Behrens.

Attorney Christopher Behrens 1:17:25

I think the risk is if something is distributed through the full Council, you always have to be careful then. Does that start to invite some kind of pre-meeting discourse through email or whatever electronic means, and that can quickly put all of you into jeopardy of violating Open Meetings laws. So, it's not itself an automatic, but it could invite those issues and be problematic.

Aldersperson Sheri Hartzheim (District 13) 1:18:02
Thank you.

Mayor Jake Woodford 1:18:02
Alder Wolff.

Aldersperson Nate Wolff (District 12) 1:18:05
Thank you. I'm also against this rule change, and I hope that we do not pick it up.

Mayor Jake Woodford 1:18:18
Alder van Zeeland.

Aldersperson Katie Van Zeeland (District 5) 1:18:20
Just say ditto to Alder Croatt and Alder Hartzheim.

Mayor Jake Woodford 1:18:26
Alder Fenton.

Aldersperson Denise Fenton (District 6) 1:18:27

At the risk of repeating my colleagues, thank you, Attorney Behrens, for your opinion there because I had similar concerns about leaving it either in the hands of the mayor or the Council president. But I honestly don't think this is necessary because we have the legislative process, and we have the ability to amend things, to recommend them for denial. So—and given the spirit that we've talked about in the invocation, I want to hope that we're not—nobody is going to submit resolutions. And therefore, I'm going to invoke the powers and say that this isn't necessary.

Mayor Jake Woodford 1:19:15
Alder Alfheim.

Aldersperson Kristin Alfheim (District 11) 1:19:17

Thank you, Mayor. There's clearly some heat around this conversation, and I don't know that anybody cannot understand that. I would hope that as we move forward this year, that when there is going to be something contentious that we do our due diligence on the front end to communicate to the best of our ability prior to putting a lit match on our desk. I think that would have perhaps helped.

Aldersperson Kristin Alfheim (District 11) 1:19:45

In the end, I don't believe we can legally stop a resolution from being submitted. I think we can offer each other some professional courtesy, and I think that that should have taken place at least to have a conversation before the exact words were written if that's the case. But that's us. That is on us, and I hope we do better this year. I'm not in favor of this resolution but I need to—I think we need to mind our manners and get at our business.

Mayor Jake Woodford 1:20:17

Alder Hayden.

Aldersperson Patrick Hayden (District 7) 1:20:20

Yeah, I just wanted to say I appreciate the intent that Alder Del Toro has here, but some of the language just kind of concerns me. So, I would be against this.

Mayor Jake Woodford 1:20:33

All right, I want to hear from Alder Meltzer, and then we'll come to you Alder Del Toro.

Aldersperson Vered Meltzer (District 2) 1:20:38

Thank you. I definitely do not support this rule change. Again, filtering through the mayor I think is problematic. I think that submitting resolutions once 48 hours before actually submitting the resolution officially, I think that that's problematic as well.

Aldersperson Vered Meltzer (District 2) 1:21:03

But to get to what I think is the intent of this proposal here is: is there any process? Is there any way to fact check resolutions or to make sure that they are not promulgating false information? So, let's say I wanted to submit a resolution that says "Whereas Appleton was founded in 1945. And whereas the sky is always red in Appleton, let it be resolved that every day at 9:45 we're going to have a red sky parade, and we're all just going to go out and blow our kazoos." Now, I think that trying to say that Appleton was founded in 1945 is a big problem. And is there anything—is there anything we can do? Obviously the mec—I feel that the mechanisms in this proposal aren't getting there. But Attorney Behrens, what could we do to defend against a resolution being submitted that makes a very false statement like that, that could have some impact on the community?

Attorney Christopher Behrens 1:22:13

I'm gonna use your example. And that the way to handle it is the 14 other people you're on the Council with and the people that voted you into the office, if you submit a resolution like that? That's the solution. Trying to vet it any other way, I really would urge against that. This is the legislative process here.

Aldersperson Vered Meltzer (District 2) 1:22:41

And if I can just follow up then. So in in our process what, what tools are available to us to deal with what's considered false or damaging? Would that be amendments at committee? Like, what would be the proper recourse that this body would take?

Mayor Jake Woodford 1:23:03

Yes, that's the legislative process, which would be debating and offering amendments, or outright recommending denial of a resolution. You have the legislative process at your disposal is all there is to handle that.

Mayor Jake Woodford 1:23:21

In terms of other conduct. In terms of conduct of the members of the of the body, there's an information item included in tonight's materials related to a more clearly defined code of conduct. But you also have an existing code of conduct and there are procedures available through the rules of order to address more serious issues of conduct related to alders.

Aldersperson Vered Meltzer (District 2) 1:23:51

I just want to finish by saying that I'm really glad that this proposal has been submitted, and I think it highlights our need to really look at what work we are doing in committee and maybe how to how to do more and better work at committee. Thank you.

Mayor Jake Woodford 1:24:09

Alder Del Toro.

Aldersperson Israel Del Toro (District 4) 1:24:11

First off, I want to say thank you to all the colleagues and your thoughtful insight on this. I think I learned a lot from trying to submit this rule change. I will likely submit my vote against this rule change tomorrow. And I know that sounds ridiculous, but don't judge me. The big goal, I think is for us to start to have a conversation about misinformation and its potential role in the legislative process and how it is not welcome in this chamber period.

Aldersperson Israel Del Toro (District 4) 1:24:39

Now, yes, the language in here is purposely extreme, but only so that it actually perks your ears up and says like, no, that sort of behavior is not allowed here, period. To misuse the power of resolution crafting is a serious, serious violation of our role as elected officials for the city of Appleton, period. And it just—yeah, it's intolerable, and I think we need to be a little bit more proactive, and I've tried to do this in the past months, about exploring the possibility for censure and misconduct when a colleague is inappropriately behaving themselves or putting forward resolution that is purely false.

Mayor Jake Woodford 1:25:29

So, in terms of process just given, given the fact that there's not support in this conversation for the suggestion, you could, you could offer to withdraw it, and then when that comes up tomorrow—when this one comes up tomorrow night, we can just move past it. So, is that what you'd like to do?

Aldersperson Israel Del Toro (District 4) 1:25:52

Thinking, thinking, thinking, processing. Very likely, yes.

Mayor Jake Woodford 1:26:00

Okay. Well, since this is an informal meeting, you got some time to ruminate, but if you if you do want to withdraw, I think for purposes of clarity going into tomorrow night, if just by the time we're done tonight, if you decide you want to withdraw it. If you want to vote against it tomorrow, that's your prerogative. But if you if you wish to withdraw it, I think the Council would entertain it—or what would be all right with you just withdrawing it, if that's what you'd rather do.

Aldersperson Israel Del Toro (District 4) 1:26:28

I believe that is probably what is most prudent in this situation. However, it is also important that we do keep our eyes open for this type of unacceptable behavior from our colleagues.

Mayor Jake Woodford 1:26:40

Okay. So, do you wish to withdraw the suggestion?

Aldersperson Israel Del Toro (District 4) 1:26:49

Yes.

Mayor Jake Woodford 1:26:49

Okay. Thank you. So, we're gonna move.... Okay, so that one has been withdrawn, and we're gonna, we're gonna clear the queue and keep going then.