

**PROCEEDINGS OF THE BROWN COUNTY
EXECUTIVE COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Executive Committee** was held on Monday, January 6, 2020 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, WI.

Present: Chair Lund, Supervisor Sieber, Supervisor Hoyer, Supervisor Van Dyck, Supervisor Buckley, Supervisor Moynihan, Supervisor Kaster
Excused: Supervisor Erickson
Also Present: Supervisors Deslauriers, Deneys, Tran, Brusky, Borchardt, Linssen, Lefebvre; Corporation Counsel David Hemery, Director of Administration Chad Weininger, Internal Auditor Dan Process, Planning Director Chuck Lamine, other interested parties and news media.

I. Call meeting to order.

The meeting was called to order by Chair Tom Lund at 5:30 pm.

II. Approve/modify agenda.

Motion made by Supervisor Moynihan, seconded by Supervisor Sieber to amend the agenda to move Item 5 after Item 2 and Item 14 after Item 5. Vote taken. MOTION CARRIED UNANIMOUSLY

III. Approve/modify Minutes of December 9, 2019.

Motion made by Supervisor Kaster, seconded by Supervisor Buckley to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

Comments from the Public

Jane Benson – 3672 Hallers Creek Rd., Suamico – Benson spoke in favor of the Redistricting Ordinance and in opposition of the 2nd Amendment Sanctuary County Resolution (written comments attached).

Janyne Ste. Marie – 120 Allard Ave., Green Bay – Ste. Marie spoke in favor of the 2nd Amendment Sanctuary County Resolution (written comments attached).

Terry Bush – 5959 Shore Acres Rd., New Franken – Bush provided several handouts (attached) which spoke in favor of the 2nd Amendment Sanctuary County Resolution (written comments attached).

Richard & Susie Beverstein – 5261 Edgewater Beach Rd., Green Bay – Mr. and Mrs. Beverstein spoke in opposition of the 2nd Amendment Sanctuary County Resolution and requested that it not be supported by the Executive Committee. Rich believed the basic notion of a sanctuary city or county is by its nature a very bad idea, unworkable, divisive, undemocratic and un-American. State laws apply statewide, not statewide except in select pockets. Susie stated, we are facing a gun violence crisis in this country that took 100 lives every single day and injured 200 more. When lawmakers take action to improve public safety, the people sworn to protect our communities had an obligation to carry out the law, not ignore it. Mothers Demand Action is a gun reformed advocacy group, they were not the enemy and did not want to limit responsible gun owners in any way but all rights have restrictions. They want to protect the 2nd amendment rights of law abiding citizens who have not demonstrated by their actions to be a threat to themselves or other. (Written statement provided after summary. See attached)

Dan Linssen – 8977 Bay Settlement, Town of Scott – Linssen spoke in favor of the 2nd Amendment Sanctuary County Resolution (written comments attached).

Ron Zahn – 2811 Legend Ln., De Pere – Zahn encouraged the committee to support the proposal before them. They hear that only the elite can interpret the constitution. Did committee members rely on the elite when they swore to uphold the constitution when they took office, the constitution of the United States and of the State of Wisconsin? He felt they should reject the notion that they leave it up to the elite or the deep state to figure it out, he didn't think the founders intended that. They should carry out the law unless it's unconstitutional. He believed the battle was with the

constitution.

Brian Kowalczyk – 1738 Nancy Avenue, Green Bay – Kowalczyk spoke in favor of the 2nd Amendment Sanctuary County Resolution. When he was a teenager, his dad was a police officer in Milwaukee. He asked him if he could protect the people and his response was, “No, only if they were lucky enough to be there when something happened.” One time when he was off duty, he got involved with an incident and identified himself as a police officer and bad guys took his gun and started shooting him. As far as guns being violent, it’s the bad people carrying the gun. When it came to the 2nd amendment un-alienable means it can’t be taken away or transferred, it didn’t make sense.

Cheryl McCutcheon – 3430 Shady Ln., Suamico – Shared her support for the redistricting procedure. She was a citizen member of the subcommittee that drafted the original ordinance. She attended the last Executive Committee meeting and although she sensed some disagreement with the proposal she was happy to hear there was general alignment to their proposal. Citizens wanted to ensure a fair and unbiased approach to how voting maps were drawn. McCutcheon spoke in opposition of the 2nd Amendment Sanctuary County Resolution, the constitution mentions a well-trained militia and she didn’t think every citizen was considered that and guns have changed.

David Duchaine – 2389 Little Rapids, De Pere – Duchaine strongly supported the 2nd Amendment Sanctuary County Resolution to make a statement. When the constitution was formed, before it was ratified, the 10 amendments were in it because some of the signers refused to sign it because they didn’t think the rights were protected enough. In a free society, government doesn’t give you the rights but they can take them away. Governments are there to protect your rights and as a free society, if you do not have a criminal record, there should be no problem.

Adam Timmerman – 1789 Grant St., Apt 7, De Pere – Timmerman spoke in favor of the 2nd Amendment Sanctuary County Resolution. Most citizens do not consider themselves part of the militia. He took that term quite literally. The ability to sustain a well-regulated militia he believed was being allowed to be into firearm sports, enjoy any range of firearms that you are legally allowed to carry and those laws were changing and without his input. Concerns are what has brought him today, he doesn’t want to be considered an outlaw because of his weapons. He has full legal right to carry semi-automatic weapons, high capacity magazines, and to go in practice with friends in any way he saw safe as long as it was safe for everybody involved.

Barbara Paterick – 4950 Founders Ter., Hobart – Paterick was in support of the proposed ordinance for the drawing of fair maps. In regard to the 2nd Amendment Resolution, she was trained as a lawyer and she understood they all had differences on the right to bear arms and it was fair and they should discuss it. There were considerations on all sides. She believed the ordinance stated they would urge the breaking of laws, not promoting law, and they should never promote that. Passing the resolution says they want chaos.

Ellen Sarns – 824 Riverside Dr., Suamico – She 100% supported the subcommittee for redistricting, they deserve fair maps. She believed the reason they were seeing the 2nd Amendment Sanctuary Resolutions across the country was a partisan way to bump gun control laws and act in democratic re-controlled state legislatures. She didn’t see any law where they wanted to take guns away from people. She questioned who this resolution benefitted and provided data from gun law surveys. She was not in support of the resolution, it was unenforceable, nonbinding and didn’t think it would make the county safer.

Brian Johnson - 1600 14th Ave., Green Bay – Johnson is a Veteran, a Patriot and a proud member of this community. He understood the 2nd Amendment Sanctuary helped reinforce the Sheriff’s constitutional responsibilities. With respect to the emotions attached to this issue, they were speaking of reinforcing and respecting of the abiding by the constitution. The Sheriff swore an oath, he swore an oath as a soldier, and he will abide by that and live by that. What he saw happening that upset him at a patriotic level was the erosion of their constitutional rights. If you don’t stand for it and fight for it, you’ll lose it. Once a law is enacted, it will not be changed. He wants to see people that had that lawful right to protect themselves, to hunt, to shoot recreational, to ensure they have that protected. And for anyone who had sworn an oath to protect and defend the constitution, it was their responsibility above everything.

Linda Clemetson - 2040 Sieker Ln., Greenleaf – Clemetson spoke in favor of the 2nd Amendment Sanctuary County Resolution. She disregarded statistics, they were so biased one way or the other. When talking about legal citizens with legal guns causing chaos, it was the opposite. It was the illegal person who can get a gun and go in and shoot and cause the chaos. The comment that they were not going to take guns away, that’s how it started. If the governor does an executive order to infringe on guns, she doesn’t call that her democratic vote but someone who was infringing on her rights and went against the constitution. If it went through the legislature, that’s one thing. She had much bigger

faith in level headed people in a local situation.

Robert Williams – 2103 Minnie Ln., Suamico – Williams felt part of the 2nd Amendment Sanctuary was being looked at from the wrong perspective. Yes it was a constitutional right, however, this amendment wasn't geared specific to the 2nd amendment but to prevent the abuse of multiple other commitments. The most egregious violation was the right to due process. This amendment sent a message to the state that we will follow the constitution and why it's important to pass the resolution.

Bob Schuld – 2439 Vellien Ct. - Schuld wanted it noted, along with fellow citizens, the 2nd Amendment should not be negotiable. Some people believe it is and the constitution was a living document that could be changed or should adapt to certain things. The 2nd Amendment was the one that protected everything else, the right they had that distinguished them from almost every other country in the world. Municipalities in Alaska, Arizona, Idaho, Kansas, South Dakota, Tennessee, Utah and Wyoming that has passed this law. He heard Florence Co. also. He would encourage the county to do likewise.

Tara Czachor – 1584 Park Haven Rd., De Pere – Czachor spoke in favor of the 2nd Amendment Sanctuary County Resolution (written comments attached).

Rick W - 3259 Evergreen Ave., Green Bay - Rick was a shooting victim and in support of the 2nd Amendment Sanctuary County. It made him think of how to help other people not be a shooting victim. He taught kids hunter safety for 5-years how to properly handle firearms. Firearms weren't weapons, weapons were for the military. They had to think about more objective things and come to a very thoughtful decision on this. The 2nd Amendment was for every law abiding citizen. Why should parts of the government want to take away their rights to do what they enjoy doing? It was their job to teach the children respect and not teach them fear.

Kurt Wipperfurth – 2084 Spring Creek Cir., Bellevue – Wipperfurth was not going to thank the committee for the opportunity to speak as it was his right as a citizen. Tonight was about their rights and not privileges. They were guaranteed the right to bear arms and that right along with the rights of free speech and regressive grievances are enshrined in their national constitution. They have a sworn duty to protect those rights.

Steven McAlister – 850 Kellogg St., Green Bay – McAlister spoke in favor of supporting the sanctuary city. This was settled law in 1776. The reason they were there was the 2nd Amendment was under attack. He asked for support.

Ken Boudwine – 853 Knoll Terrace St., Green Bay – Boudwine supported the 2nd Amendment Sanctuary County Resolution. This county was a constitutional republic, the constitution was the law of the land. Any sort of restrictions upon it was against the law. He asked that they support the resolution as well so government and law enforcement uphold the constitution.

Scott Johnson – 1351 Carrington Ln., DePere – From an erosion standpoint, he first went deer hunting at 13 and to hunter's safety. It was an innocence, a tradition, being with family and friends. Through the years, he saw the derogation, whether it was society, 1950s the first mass shooting took place and thinking back culturally what has gone on with the country over the last 70 years? How did they get from there to now? It's frustrating. He shoots sporting clays with his boys and loves doing it. He truly believed guns don't kill people, its evil people that kill others. He was very much in support of the resolution.

Anthony Halloran - 1117 Beaver Dam Dr., Green Bay – Halloran voiced his support of the 2nd Amendment Sanctuary County Resolution.

Kevin Willems – 310 13th St., Green Bay – Willems voiced his support of the 2nd Amendment Sanctuary County Resolution.

Kyle Cooper – 817 N. Nicolet Ave., Green Bay – Cooper just got back from Afghanistan deployment about a month ago. He was deployed to fight to protect the freedoms of the United States and the slow derogation and erodent of some amendments over time and you have to take a stand at some point. The county was primarily republican voted during the last government election so if they could do what they can to take a stand against having these laws forced upon us from Madison. Let's do what we can to hit the brakes and save the amendment.

Mikko Waino – 1181 Sunset Beach Rd., Suamico – Waino was in support of the 2nd Amendment Sanctuary County Resolution.

Blake Carter – 3454 Eiler Rd., De Pere – Carter was in support of the 2nd Amendment Sanctuary County Resolution.

Dominic Junio – 1319 S. Franco Ct., De Pere – Junio was in support of the 2nd Amendment Sanctuary County Resolution. There was overwhelming support in the room and he felt if more people knew about this there would be so many more gun owners in attendance.

Jesse Duchaine – 2943 Apple Creek Rd., DePere, WI – Duchaine was in support of the 2nd Amendment Sanctuary County Resolution. He did not want his 2nd Amendment rights infringed in any way.

Dave Tlachac – 2727 Allouez Ave., Green Bay – Dave was in support of the 2nd Amendment Sanctuary County Resolution, he reiterated what others said and would appreciate the committee supporting the constitution as well.

Lavonne Bish – 1762 Chateau Dr., Green Bay – Bish spoke in opposition of the 2nd Amendment Sanctuary County Resolution. She heard a lot about slippery slopes and felt they were talking about a real slippery slope of elective officials deciding to ignore laws that were democratically passed. Once they start picking and choosing which laws they want to enforce and which laws to follow, anarchy follows.

David Shipler – 6994 Bunker Hill Rd., Greenleaf – Shipler informed he supported the 2nd Amendment Sanctuary County Resolution and encouraged the committee to support it. He sent dozens of emails to elective officials, all in support of the resolution.

Kathy Nassios - 4461 Annabell Cir., Green Bay – Nassios felt everyone had valid points which was truly American. She believed following the constitution was American and anyone who goes against the constitution was anti-American. Guns don't kill, people do. Bad people with guns, if they want to kill, they will kill. As famous Justice Clarence Thomas once stated, our constitution is not a living document but it is perfectible. She urged the committee to pass the resolution. Taking a stand for Brown County was to take a stand in Wisconsin. It sent a signal to help other people give them a voice in the nation to come forward to speak publicly because it was important.

Robert Dishaw – 1951 Farlin Ave., Green Bay – Dishaw spoke in support of the 2nd Amendment Sanctuary County Resolution. He believed the committee was going to use their internal values and what they felt the voting public wanted. They also sworn allegiance to the Constitution of the United States. He asked that they do due diligence in supporting this. It was telling the public they were supporting what they already took an oath to. It was the system that they were currently involved in as well as the US constitution and state constitution. They were not taking a pro-gun stance they were taking a pro constitution and pro-government framework currently in place.

Jerry Johnson - 1120 Sandstone Ct., Green Bay – Johnson was a former police officer for Green Bay, 30 years of service. He was also a trainer for NE Wisconsin Technical College for law enforcement and military and also train conceal weapon classes and he spoke in support of the 2nd Amendment Sanctuary County Resolution with a slight amendment. They had all at one point in their careers agreed to uphold the Constitution of the United States. As a former officer he still felt strongly of that. He supported the Sheriff, the top authority for law enforcement in the county and he had sworn to uphold the constitution and he believed it was their job to support your Sheriff.

Dave Racine – 442 Meadowway Dr., Green Bay – Racine spoke in favor of the 2nd Amendment Sanctuary County Resolution (written comments attached).

Lindsay Dorff – 1321 Emilie St., Green Bay – Dorff spoke in opposition of the 2nd Amendment Sanctuary County Resolution. Her biggest concern was opening up a Pandora's Box of people being able to circumvent state and federal laws they don't like by going to their municipalities and counties and creating sanctuaries that give them "a right" to simply not enforce laws they don't like. She didn't know how it was something they restrict to a single area and she felt it put supervisors and the Sheriff's Department in a role of constantly having to act as constitutional scholars and she didn't believe that was the way the system was setup to work. Her understanding was that the laws were supposed to be made by the legislature, the court interprets those and it was their job to determine whether or not a law was constitutional and then it was law enforcements job to enforce that as it was interpreted by the courts if there was a problem. She didn't understand why it would be okay to create this backdoor to completely circumvent

that system that she felt was created for good reason.

Kevin Severa – 3030 Celestial Ln., Green Bay– Severa spoke in favor of the 2nd Amendment Sanctuary County Resolution.

1. **Review Minutes of:**
 - a. **Benefits Advisory Committee (September 12 & October 3, 2019).**

Motion made by Supervisor Sieber, seconded by Supervisor Buckley to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Legal Bills

2. **Review and Possible Action on Legal Bills to be paid.**

Motion made by Supervisor Buckley, seconded by Supervisor Moynihan to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

Although items are shown in proper format here, Item 5 was taken at this time.

Communications

3. **Communication from Supervisor Tran: To have all standing committees use the public comment form for public comments. *Referred from December County Board.***

Motion made by Supervisor Sieber, seconded by Supervisor Hoyer to approve. No vote taken.

Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to refer back to Corporation Counsel. Vote taken. MOTION CARRIED UNANIMOUSLY

4. **Communication from Supervisor Tran: To have all standing committees meet in the Northern Building for all meetings starting in January (exception can be made for field trips). *Referred from December County Board.***

Deslauriers spoke in favor as it was too difficult for his constituent to attend past meetings when they were moved. They should have meetings in best suited areas which was here.

Buckley noted Public Safety meetings were better attended at the Sheriff's Department vs downtown. He noted that some meeting were dictated by state statute, with the tour of the jail. He felt this board was dictating how the future board will operate.

Tran stated they won't know all the difficulties this board had. It's hard to hear at the Sheriff's Department. They were trying to make it easier for constituents to be part of the democratic process. Room 200 was equipped with audio and video for future closed captioning. They were investing money in the system and should utilize it. Government needed to be transparent. She felt they needed to be more consistent, it was hard for constituents and Supervisors to keep track of where things were.

Moynihan questioned if a committee chair could deem every meeting a field trip. Hemery stated it could be easily abused. Moynihan felt when they did get in the technological age again, this was the right place to be.

Lefebvre reiterated, if they were going to spend money in closed captioning and do it right for citizens then why were they not going to meet here? She felt it didn't make sense.

Lund felt it was part of the culture for Ed & Rec to meet at those various places and a great way for citizens and Supervisors to see those places. There were some gains and some to be lost if they have it all in Room 200.

Brusky suggested inserting the word "majority" in the resolution.

Van Dyck felt they were putting the cart before the horse, if they had the proper recording devices in the room he would be more inclined to support it. Then they make a resolution or commitment that they needed to record meetings and if they want to move it they make a commitment to buy equipment to go someplace else. Secondly, when looking at the room, tonight's meeting probably should have been held here, it was a disservice to the people standing in the hallway. He didn't disagree but they continue to get by with shotty equipment and they needed to make a commitment to upgrade the equipment.

Kaster felt it was important for the committees, if they want to, to have meetings at other location so committees were more aware of what was going on at different places. He didn't feel like everything had to be rigid and laid down.

Motion made by Supervisor Buckley, seconded by Supervisor Kaster to receive and place on file. Vote taken. Nays: Van Dyck, Lund, Moynihan, Hoyer; Ayes: Buckley, Sieber. MOTION FAILED 4 TO 3

Motion made by Supervisor Moynihan, seconded by Supervisor to have all standing committees meet in the Northern Building starting 2020 term with exceptions as recommended by standing committees or as required by law. Vote taken. Ayes: Moynihan, Lund, Sieber, Hoyer, Van Dyck; Nays: Buckley, Kaster. CARRIED 5 to 2

5. Communication from Supervisor Deslauriers: For referral to the Executive Committee to consider the below (attached) Resolution to declare Brown County a Second Amendment Sanctuary County. Referred from December County Board.

Supervisor Deslauriers provided a handout (attached), the reason he brought the resolution forward was to protect those things. There was no legal definition for Sanctuary County and he wanted to clarify what the goals of the resolution were. He heard most of the arguments for or against in the past but the question of is this relevant or necessary, in the 17-18 years he'd been very politically active working with Madison legislatures, stopping problematic legislation was infinitely better and easier than trying to overturn legislation that had already passed. This resolution sent a clear voice as the fourth largest county in Wisconsin to state and federal legislature that they take the constitution extremely seriously and will not sit back and let it be infringed upon. If it is infringed upon, that law will be recognized as invalid and he would expect, like they all took an oath to uphold the constitution that law enforcement would look at that law, recognize that it was unconstitutional and not infringe on the rights of Brown County citizens.

Right now there were five firearm related bills at the state level and were all stalled and could change overnight based on an event, election, a whim of a legislature. It was absolutely necessary. The governor's feelings on gun control, he opened a mandatory buy-back of certain weapons, a euphemism for a gun-ban with a payment. Lowering the threshold for gun confiscation. Requiring any gun owner to get governmental permission prior to giving, selling or loaning any firearm. By loaning a hunting rifle to his nephew, Deslauriers would be a felon. The governor supported the state registration of a firearm, a gun owner registration list essentially and he supported a ban of certain accessories. Evers words, "I think we have to be pragmatic here, we have to start someplace", Deslauriers felt he would probably regret using the words "start someplace" when he said that after talking about his goals about gun control.

This was not a single effort to simply do one task to try to achieve some measure of gun control, this was a starting point. Deslauriers didn't think anyone with an honest conscience thinks that there was an honest conversation about just one or two things when it came to gun control. You have a portion of the population that want complete disarmament and a portion of the population that supports absolutely no infringement on our constitutional right. This country is a constitutional republic, any law that would be counter to the constitution, if those wanting stability and not chaos, the way you are going to get chaos is by infringing upon that constitutional right. He did not want Sheriff Deputies going out and trying to follow or enforce a law or order that would infringe on law abiding citizens right to bear arms. This resolution talked about the Sheriff using his sound discretion in administering of the law. He also took an oath to uphold the constitutional. If he's asked to enforce a law that was counter to that, he expected that he would not do it.

Deslauriers had a different perspective on gun control too. He grew up southwest of Chicago in Cook County in the 70s and 80s and it was not a safe place and it had some of the strongest gun control laws around. It didn't help because criminals were the ones who commit crime, not law abiding citizens. Now, ironically, he

lived in the most rural area of Brown County, a mile from the county line. If he called 911, it was minutes before he got a response from law enforcement. He sat in the audience today and had a hard time not saying the people who look to take the most effective weapon I have away from me, which I use for self-defense away. He can't just sit there and take it. His right as a family man, as a protector of his household, his possessions, his land, he demand that he have a weapon to protect him and the best one he had. When response was minutes away, a minute was a lifetime. He can count on one hand, driving around his neighborhood, in a year, when he saw a police officer, one hand except for at fire scenes when he was called to an accident or a fire, he saw the Sheriff there all the time. But general patrol, just hanging out in the neighborhood, they had little police presence and when something bad happened, it took time to get there. He trusts his self, his responsibility, he taught his nephews how to responsibly handle a weapon. He didn't lock them in a cabinet and had them available. The children in his house and the children in his brother house know the responsibility of a gun and the taking of a life. They understood that, they respect that and know what to do. Gun control laws were easy. When they don't have responsibility any longer, our accountability in raising our own children to do the right thing, a gun law feels real good like were doing something.

He didn't doubt the integrity of the people who spoke on either side. He thought they all had ironically the same goal. He just thought the clarity here is that this was a constitutional right and as many people suggested, if you want to change that constitutional right either at the state or federal level, there were avenues to do so and any ambiguity at the federal level with the 2nd amendment was cleared up so clearly in our state constitution that there was no longer any arguing at the state level what that means. It's been twisted and manipulated by those who want to infringe on our rights and the reason he did this.

There was talk about muskets when the 2nd amendment was created, they were a state of the art weapon, no different than now. It's the responsible person using that weapon that determines its danger. Level the playing field. They heard accounts tonight of people who were weaker than their assailant, the gun levels that playing field. He's a responsible gun owner and never used it or pulled it but it was a level in the playing field to those that can't fight for themselves, physically it does level that playing field and how dare anybody tell him that because they feel safe in their homes that he had to give up his right to a gun to feel safe in his. Why was there no mass school shootings prior to 1999? If they don't address the societal problems when it came to gun control, nothing was going to fix it, no amount of laws was going to change that. The society of responsibility and accountability has fundamentally changed and to suggest gun control was going to fix the fundamental problem when it comes to guns was delusional. What he was asking for was that they support the resolution. He was sure Corporation Counsel would have his own opinion on how to write it. More importantly were the four goals, they were the integrity of the resolution so he asked that they uphold those goals and not cherry pick outside of it because there was no legal definition for 2nd Amendment Sanctuary. He tried to refine what he was he was shooting for in this resolution in those four goals.

Referring to Goal 1, Moynihan questioned who deemed what was unconstitutional. Deslauriers would say that the state constitution clearly defined what a constitutional right of Wisconsin residents was. Regarding the Sheriff's office, they had within the power at the County Board level to reprioritize county goals when it came to enforcement. They could deprioritize the goal of enforcement of what might be an unconstitutional law. Deslauriers thought infringement on gun ownership was pretty clear and he was seeking to support the Sheriff and the use of his sound discretion. He would have no doubt that the Sheriff would find a middle ground of enforcement that he felt would help his duty to uphold the constitution while protecting the community. When it came to people who were very passionate of gun ownership and the guns ability to protect, they openly say if any authority were to go to their home and try to infringe on their rights, they would have to use their gun to get theirs. He didn't want to put deputies in that situation or law abiding citizens in that situation if a law were to be passed in Executive order that would infringe upon the constitutional right of residents.

Moynihan questioned if the resolution did not superseded state or federal laws that have passed, Hemery stated that was correct.

Responding to Sieber, Deslauriers informed that the Sheriff had sworn an oath to uphold the constitution and some of the laws were clearly counter to both the state and federal constitution. Hemery pointed out that the Sheriff took an oath to uphold the constitution, he also took an oath to uphold the laws of the State of Wisconsin as did all of the County Board Supervisors. There were three branches of government, Legislative writes laws, Executive enforces them and Judicial interprets them. Sieber stated it would be unconstitutional

to give authority to the Sheriff to decide what was constitutional. Hemery responded, they could not give that authority. Deslauriers informed that the line items for funding and taxation were referring to the power of the purse at the County Board level. He did not want to use county resources or funding for any effort that might infringe upon the 2nd amendment right for citizens to keep and bear arms. Sieber reiterated it was their duty and oath to uphold laws. Deslauriers stated this was a constitutional republic, he believed the constitution supersedes whatever any lawmaker could do. There were avenues to change the constitution. This was a strong message to state and federal legislatures. Sieber questioned if they could specifically enact a tax on firearms or ammunition for Brown County, Hemery replied, in his opinion, no. Sieber felt the resolution before them and the four points were contrary to the oath of office they took and constitution. The core function of democracy and the three branches of government was to have co-checks on everything. If they wanted to put something in that says they oppose or support red flag gun laws, that's appropriate. If the sanctuary county was real important and they want to outline that more. He felt what the Wisconsin Constitution says was perfect and what he felt 95% of the room agreed with and were happy to support. If they wanted to put a resolution saying they affirm the article and section of the Wisconsin Constitution, it would pass through with flying colors through the County Board. Deslauriers found it ironic that a resolution that specifically upholds the constitution he found unconstitutional. He felt there was value in making a statement. Counties in 18 states have passed similar resolutions, 4 states at the state level have passed similar protections.

Kaster stated he would support the resolution as written. He's had discussions regarding this over the years and they start out 'we are just looking to do this' and any good salesman knows you have to get your foot in the door and go from there. He believed this would lead to other things and law abiding citizens should not have to let the tail wag the dog. He didn't think they should have to let their rights to be infringed by folks that have other issues or problems. We should try to do something about that first. How guns were handled was up to each gun owner. There were many things written by forefathers. They put a lot of thought into it and had a lot more time to think and less distractions we do now. One of them wrote, "Those that hammer your weapons into plowshares will soon end up plowing for those that don't." He believed this was a way down that path. He felt they already lost a lot of rights. He knew times were changing but there were other ways to change things besides this. He knew from history other countries looked at our country when they thought of attacking, each town was like a separate entity to deal with and they'd have to fight from house to house. He knew other countries that had disarmed themselves and it didn't work out quite as well as they thought and they weren't getting them back. The County Board was very much all in favor of sending the state messages and didn't know why this wouldn't pass. He believed something had to be done and this was a good place to start.

Hoyer questioned how they knew this time was real. The slings and arrows against the 2nd amendment as it's been going on forever. Every time, things do adjust and change. There was an assault rifle ban and then it was undone. Things shift, move, and flow. He had been hearing about these assaults on the 2nd amendment his whole life and this was just the next version of that. The Attorney General of Virginia stated all of these sanctuary counties/city draft proposals were null and void. He suspected, if that's the route taken here, that was going to happen here as well. He's been hearing it was either this side or that, it was more complicated than that. He felt sorry for the people that have been impacted negatively by others doing evil and want to protect their rights and be able to recreate, etc. The constitution simply existed and it was set up with checks and balances and rendering this was unnecessary in his opinion. The county had sent a lot of things to the state but they were about particular laws. As it was written, he did not support it.

Buckley asked Corp Counsel what his recommended amendments would be, Hemery would be consistent with what they had done in the past. He suggested a resolution stating Brown County strongly supports the 2nd Amendment or Brown County is opposed to any laws being enacted that would restrict the rights of gun owners. It was not uncommon to pass a resolution in support or against something and state the reasons why. The current resolution would be unlike anything they have ever passed and he believed it would violate their oaths of office. Buckley felt they needed to have some sort of impact statement. Under the 2nd Amendment, when they look at all of the discussions about it, he was concerned about the comment of all the decisiveness in here, he didn't hear that. He heard people in support of the 2nd Amendment. Some opposed the sanctuary county. He didn't hear people oppose background checks and he liked the gentleman's comments about education for young people. That was a huge part of this. He felt there were a lot of programs they could be doing to make it safer. He felt people who wanted to own guns, should be allowed to. He purchased 3 or 4 guns this year and each time he went through a background check, for some

he had to go through ATF to get a special stamp because of the nature of weapons and he didn't have a problem with that and he should be allowed to do that if he wanted to do that. He felt he was a responsible gun owner and had a gun with him a majority of the time. He was happy to see that 6x the amount of people spoke for it, not against it and he liked the passion on both sides. Something like this, at the very least helps get the discussion going to find common ground and maybe at the grassroots level get some of these issues resolved. If the governor tries to do some sort of executive order, that would be wrong and talk about divisiveness. That would be huge. He would support something closer to what Deslauriers proposed because they had to make an impact. It's not the guns that are doing it, it was the people who own them or carry them illegally that kill or hurt people. It was a small portion of our society and we don't want to punish everyone for it. There were things they could do to change how things were currently being operated.

Van Dyck appreciated Deslauriers bringing this forward and his attempt. He felt it was subject to some modification/wordsmithing. He appreciated the attendance of supervisors not on the committee to hear the discussion. He also appreciated the spirit of the communication and resolution. He agreed with it in some regard but there was a slippery slope out there, the fear of giving a little and taking a lot, and he believed that was the case. He struggled with supporting it the way it was for the reason it says, 'beyond lawful legislative authority'. He fears that some of the things they were saying were beyond their lawful legislative authority. He agreed with the concept of sending a message, as they have on numerous occasions, to state and federal legislatures, giving support for upholding the constitution. He struggled with putting something out there that was not defensible. When they say give our County Sheriff office the discretion not to enforce unconstitutional laws limiting our right to keep and bear arms, he didn't feel like that was something they could dictate. When talking about preventing any arbitrary taxation of firearms or ammunition that was not something they could dictate. If the state passed a law to tax firearms, this County Board wasn't going to be able to turn around and say they won't collect that tax. Again, he wasn't opposed to expressing opinion if the opinion of the board was to say they support the 2nd Amendment.

Moynihan stated he believed in the rights to bear arms, and in the Constitution of the United States, fundamentally he had no issue with the majority of the resolution. Further he agreed that any infringement on the rights of the people must be quashed, however he didn't believe it was the role of any county board or policing agency to pick and choose the laws they shall follow and what laws they will not as egregious as they may deem them. Such things may be determined by the courts. Thus he made a motion to tighten the resolution, a compromise as such.

Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to amend the resolution as follows: #6 "WHEREAS", before the word infringe, add the word "potentially", the first "BE IT FURTHER RESOLVED" strike anything after "bear arms"; the following "BE IT FURTHER RESOLVED", strike the entire paragraph. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Sieber, secondly by Supervisor Buckley to approve as amended. Vote taken. MOTION CARRIED UNANIMOUSLY

Although shown in proper format here, Item 14 was taken at this time.

6. **Communication from Supervisor Erickson: Direct Corporation Counsel to look into starting a class action suit regarding vaping and youth vaping. If this moves forward we should look to include additional Wisconsin Counties to become involved. Referred from December County Board.**

Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to hold for one month. Vote taken. Ayes: Hoyer, Sieber, Moynihan, Buckley, Lund; Nays: Van Dyck, Kaster. MOTION CARRIED

Internal Auditor

7. **Board of Supervisors Budget Status Report (Unaudited) – November 30, 2019.**

Motion made by Supervisor Sieber, seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

8. **2019 Status Update: December 1 – December 31, 2019.**

Motion made by Supervisor Moynihan, seconded by Supervisor Sieber to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

9. 2019 Audit Plan (Status Update).

Motion made by Supervisor Moynihan, seconded by Supervisor Sieber to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Corporation Counsel

10. Oral Report.

Motion made by Supervisor Moynihan, seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Resolutions, Ordinances

11. Resolution to Approve Electric Line Easement Regarding the Fox River State Trail.

Motion made by Supervisor Van Dyck, seconded by Supervisor Kaster to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

12. Resolution to Approve State Trail Connector Easement.

Motion made by Supervisor Van Dyck, seconded by Supervisor Sieber to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

13. 'Sense of the Board' Resolution Supporting Passage of 2019 Senate Bill 460 and 2019 Assembly Bill 513 to Create an Independent Prosecutor Board.

Motion made by Supervisor Hoyer, seconded by Supervisor Kaster to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

14. Ordinance to Create Chapter 15 of the Brown County Code of Ordinances Entitled "Redistricting Procedure".

Corporation Counsel provided an amended ordinance (attached). Van Dyck appreciated Corporation Counsels attempt to clean up the ordinance but there were still a couple of things he'd propose to change. Under 15.03 he suggested adding an order to give priority and clear guidelines, than to throw out there a bunch of different criteria without any ranking on the order in which they should be considered left too much interpretation to the person drafting the map as to which they felt was more important.

Motion made by Supervisor Van Dyck, seconded by Supervisor Hoyer to approve as amended.

Hemery suggested hearing from Planning Director Chuck Lamine on the mapping criteria. The other two made sense but he didn't want to tie hands. It was hard to say one was more important than another because they didn't have the census numbers yet.

Lamine felt the standard deviation or equal population representation was absolutely number one, the balance of those were really issues that were dependability in court. They were always striving to the greatest extent possible to accomplish those goals and in some cases it was not possible. If they end up in a court situation they were explaining why it was not possible to do so. He didn't know if it was critically important to have a priority to it. He was fine with the way that it was.

Van Dyck reiterated there were 4-5 that should be the key drivers. If it complicated things, they could take it out. He knew they followed a certain criteria but this seemed wide open. They could end up with some widely different maps.

Moynihan made the suggestion of adding the words, "in no particular order."

Lund thought the committee set forth what they wanted to look into and that's what they came up with as the most important in the drafting of maps.

Buckley agreed with Van Dyck stating if the idea of the committee was to give guidelines and the most important part of it was how it started out, it should be population first and go down from there. Hemery stated by law, population was the most important. Buckley felt if they didn't map out hierarchy of importance, it was not much different than what they did in the past.

Buckley questioned wording in 15.05/15.06, Linssen informed it set up a procedure by which a map was brought forth to the County Board, cleaning it up quite a bit. Buckley's issue was voting on a particular map first and not letting each map stand on its own merit. Linssen informed they would be able to see them all. The idea was to have the citizens committee have more of an influence and required the County Board members to say, no, they did not want the one the citizens recommended prior to selecting one of the other ones. Buckley appreciated what they were trying to do with it but suggested not passing any influence on any supervisor on which map to draw. Linssen stated the idea behind the process of the committee was to take some more of that power and types of influences that would go into a supervisor's decision making process with regard to this was as to how it would affect their district, their position and put those in the hands that were not an elected official. They were picking and designing maps based on things they felt were in the best interest of the citizens of the county and not supervisors. Buckley stated they should be creating and not picking the maps. Linssen stated it was a bit of both, the Planning Department was designing them and the committee provided input and gave feedback to the board with what they felt was the most appropriate map to select. It did not say that the board couldn't select another map, they were all going to go to the County Board. It was intentionally built into the procedure that the County Board had the ability to do that if they felt it was appropriate. The idea behind forcing a vote or having a vote on one of them was simply to make sure that if supervisors wanted to do something like that, they were going to have to explain themselves a little bit. The point of it was to prevent situations where people were backroom dealing or providing undue influence before it got to the County Board. Buckley reiterated that he would prefer that they didn't have any influence on it and had maps come to them and they approved up or down without any outside influence in any way, shape or form.

Further discussion ensued with regard to potential changes to 15.05 and 15.06 and possible motions.

Responding to Kaster, Lamine informed that criteria was laid down by the state, federal law, court rulings, etc.

Motion made by Supervisor Van Dyck, seconded by Supervisor Hoyer to strike from 15.02, "and shall report to the Citizens Redistricting Advisory Sub-Committee; strike from 15.05, "the Committee shall provide drafting criteria/guidelines to" and "Staff selected by the Director of Planning shall not be a member of a political party or have political affiliations". Vote taken. MOTION CARRIED UNANIMOUSLY

Linssen suggested modifying 15.03 by adding "plus or minus one or two" after "number of Supervisors." to add flexibility to future maps. Lund felt airing out the issues right now was smart instead of leaving it ambiguous and going from there. He felt it should be in there. Supervisor Tran felt it should be an odd number and thought it was something to consider. Lund stated it had always been an even number.

Motion made by Supervisor Lund, seconded by Supervisor Sieber to amend 15.03 by changing the word "desired" to "current" and adding "plus or minus two" after "number of Supervisors." Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Buckley, seconded by Supervisor Kaster to amend 15.05 further by striking "and shall recommend one of them for passage"; amend 15.06 by striking "The recommended map shall be voted on prior to any other map being voted on. Vote taken. Ayes: Buckley, Moynihan, Kaster, Lund; Nays: Hoyer, Sieber, Van Dyck. MOTION CARRIED 4 TO 3

Motion made by Supervisor Moynihan, Seconded by Supervisor Sieber to approve as amended. Vote taken. Nay: Van Dyck. MOTION CARRIED 6 TO 1

Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to reconsider Supervisor Van Dyck's vote. Vote taken. MOTION CARRIED UNANIMOUSLY

Department of Administration & Human Resources

15. **Director of Administration Report.** *No action taken.*
16. **Human Resources Report.** *No action taken.*
17. **Audit of the bills.**

Motion made by Supervisor Sieber, seconded by Supervisor Hoyer to acknowledge receipt of the bills. Vote taken. MOTION CARRIED UNANIMOUSLY

Other

18. **Such other matters as authorized by law.**

Supervisor Moynihan stated this past summer at the Admin Committee he brought up their lease with the Chambers in City Hall. He questioned if it had been looked at? There was supposed to be a subcommittee. Hemery informed he pulled the documents and had copies of them and will bring back.

19. **Adjourn.**

Motion made by Supervisor Moynihan, seconded by Supervisor Sieber to adjourn at 9:07 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Alicia A. Loehlein
Administrative Coordinator