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Res. No. 170- 22 - 23. By Alderpersons Dekker and Salazar. April 5, 2023.

A RESOLUTION censuring 2nd District Alderperson Roberta Filicky-Peneski.

WHEREAS, members of the common council are expected to hold themselves to a high level of ethics both in their role as alderpersons and in their conduct in general; and

WHEREAS, such expectations include fair and impartial treatment and avoidance of offensive and incendiary language and the use of words that by their very nature demean groups of people and undermine a sense of unity through diversity in our community; and

WHEREAS, the proper operation of democratic government requires that government decisions and policy be made in the proper channels of the governmental structure; and

WHEREAS, while transparency in government is of the utmost importance, there are times when certain actions or deliberations of the common council must be held in confidence so as to support important public policies; and

WHEREAS, such public policies include the public interest in privacy and reputational interests, the statutory protection of certain personnel matters and other employment-related issues, the public interest in reducing costs attributable to taxpayers, and the public interest in maintaining the attorney-client privilege; and

WHEREAS, important public policies such as those listed above are always considered before the council makes a determination that it needs to go into closed session; and

WHEREAS, the purpose for all closed sessions is included with the agenda of a common council meeting in which the common council is scheduled to go into closed session; and

WHEREAS, matters discussed in closed session are not to be revealed outside of the meeting until such time as legal counsel for the City has determined that the important public policies requiring a closed session are no longer applicable; and

WHEREAS, members of the common council are entitled to confidence that their deliberations in closed session will not be leaked to others until such time as release of information from said sessions is appropriate and approved; and

WHEREAS, on October 24, 2022, the Common Council met in closed session during a special common council meeting; and

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WHEREAS, the closed session was conducted "under the exemption provided in sec. 19.85(f), Wis. Stats. for preliminary consideration of specific personnel problems which, if discussed in public, would be likely to have a substantial adverse effect on the reputation of the person involved in such problems or investigations"; and

WHEREAS, the common council has received annual training from the City Attorney on its obligations surrounding closed sessions; and

WHEREAS, 2nd District Alderperson Roberta Filicky-Peneski was present at the Special Common Council Meeting on October 24, 2022 and voted in favor of the motion to convene in closed session on that date; and

WHEREAS, then City Administrator Todd Wolf was a subject of the problems and investigations being discussed in closed session, and as such, was excluded from the closed session where potential disciplinary matters involving his actions were discussed; and

WHEREAS, shortly after the meeting, well before the purposes of the closed session were no longer applicable, Alderperson Filicky-Peneski met with Administrator Wolf in her home; and

WHEREAS, during that meeting, Administrator Wolf secretly recorded the conversation between himself and Alderperson Filicky-Peneski; and

WHEREAS, during that meeting, Alderperson Filicky-Peneski revealed to Administrator Wolf various matters discussed during the closed session that were not yet cleared for release; and

WHEREAS, during that meeting, Alderperson Filicky-Peneski used a highly inappropriate and inflammatory racial slur; and

WHEREAS, while Alderperson Filicky-Peneski used said slur in a context that did not include labeling any particular person with that word, there is no context whatsoever where the use of such a slur is appropriate, ethical, or acceptable; and

WHEREAS, societal rejection of the use of said slur is so complete that on August 8, 2022, just two-and-a-half months prior to Alderperson Filicky-Peneski's use of the slur, in a story widely covered by national media, the highly successful and respected assistant football coach at Oklahoma State University, Cale Gundy, resigned in wake of his reading the same word from song lyrics contained on a player's iPad; and

WHEREAS, even more recently, a similar event in the City of Sheboygan made clear the community consensus that use of said slur even in the somewhat

less inflammatory context is never appropriate.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council of the City of Sheboygan does hereby formally censure 2nd District Alderperson Roberta Filicky-Peneski for violating the well-established norms and values of the Common Council by revealing the contents of a closed session meeting before she was authorized to do so and by her use of a highly inappropriate and inflammatory racial slur; both actions being well-understood by the Common Council generally and Alderperson Filicky-Peneski specifically as being inappropriate, a violation of the public trust, and contrary to the expectation the representatives of the City of Sheboygan always conduct themselves at the highest level.

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor