



MINUTES OF AN OFFICIAL MEETING

Special Meeting of: Legislative & Licensing Committee

Date and Time: Tuesday, August 3, 2021 at 6:30 pm

Location: City Council Chambers, 2000 N. Calhoun Road, Brookfield WI 53005

5 Members Present: Alderman Gary Mahkorn (Chair), Alderman Brad Blumer, Alderman Bill Carnell, Alderman Jenna Meza, Alderman Mark Nelson

Members Excused: N/A

Others Present: City Attorney Jenna Merten, City Clerk Kelly Michaels, Alderman Hallquist, Alderman Mellone, Alderman Berg, Alderman Blackburn, Alderman Owen and interested public.

1) ROLL CALL

Alderman Mahkorn noted a quorum present calling the Legislative & Licensing Committee to order at 6:30 pm.

2) NEW BUSINESS

- a. Legislative Referral: Creation of Nonpartisan electoral map (gerrymandering). *(Alderman Blumer and Alderman Hallquist item from the July 20, 2021 Legislative & Licensing Committee)*

Alderman Blumer gave a brief summary of the reasons for bringing the matter to the City and the resolution he submitted and the history of the process to date. He referred to his memo dated July 14, 2021 (may be viewed in the City Clerk's Office). He indicated would have loved a referendum on the matter but since the timing is not really doable, alternatives given include the proposed resolution. The resolution as written is the same as some referendums and resolutions held in other counties and cities. He stated he supports the resolution's content.

Alderman Hallquist agreed and spoke in favor of adopting a resolution in support of fair redistricting. He noted he felt the resolution was appropriate as the City has weighed in on matters of the state, such as levy property tax levy limits, dark store loophole and home rule. He noted we, the City, has historically weighed in on state issues in the past as well as providing testimony, such as election law, before the State Legislature. Alderman Hallquist indicated that, for him, there is no better time than now to bring this up. He noted he is not interested in bringing forth flippant resolutions that are non-impacting to the city, but feels there is a direct impact, noting census results will be out soon for redistricting purposes. We have a split government. Wisconsin is known for working together and compromise and he believed the statement to consider here would be to say we value fair play and competitive elections. The idea of gerrymandering is undemocratic in nature and something that damages the outcomes that we, as a

governing body, have to deal with. There are a lot of issues that could be resolved if we didn't have such polarization. He noted gerrymandering contributes to encourage candidates that are at the very far left or at the very far right, which is not really a good thing. He shared that the League of Wisconsin Municipalities responded to a tweet from him which supports city government at a state level. He believed it is fair, as a community, that we support fair play and didn't believe there was much more to it than that.

Alderman Carnell stated he did not support the 2nd "Whereas" paragraph specifically where it begins mid-sentence "legislative and congressional plans in Wisconsin have been subject to partisan influence that puts the desires of politicians ahead of the electoral prerogative of the people." He felt that statement is unproven and inflammatory. He cited the same concern with the 6th "Whereas" paragraph in its entirety and would be more comfortable with the following: "It is proper to have competition and compromise in Wisconsin Politics." He noted he was not prepared to weigh in on the "Be it Resolved" paragraphs at this time as he wished to hear the perspective of other members of the committee.

Alderman Nelson noted he would not be supporting the resolution and read a prepared statement which is attached hereto and made part of these minutes.

Alderman Meza commented that Alderman Nelson's statement was the perfect compilation of all of the thoughts she had in her head and he did a great job of reflecting her thoughts.

Alderman Mahkorn agreed and complimented Alderman Nelson's leadership stating he too felt that statement reflected his thoughts. Alderman Mahkorn summarized noting he has done his homework and no matter how many times someone tells him this resolution is non-partisan, that doesn't make it true. He stated that virtually everyone believes in fairness and of course that is true. However, it is also true that this issue is a National movement with partisan ties. Depending on who you talk to, it really is one of those things that is in the eye of the beholder as to what you believe. Ultimately though, he questioned whether we want to become a council of activism? He felt the City was at a crossroads here and noted he was not prepared to support the resolution for the reasons already stated by Alderman Nelson and his own research into the issue.

Alderman Blumer noted he appreciated the comments from his fellow committee members and would disagree with the viewpoint that this matter is outside of the City's jurisdiction. He summarized that he views his job as bringing forth legislative referrals at the request of a citizen in his district. He noted that he believed he had done his job for those in his district that he represents and offered the following motion.

Motion by Alderman Blumer to amend paragraph #2 striking "...legislative and congressional plans in Wisconsin have been subject to partisan influence that puts the desires of politicians ahead of the electoral prerogative of the people. Redistricting" and joining the sentences before and after by adding "and in doing so" to achieve partisan gains is improper..... ; and to amend paragraph #6 striking "... there is a critical need at this time to restore trust", and replace with "It is proper to have" compromise and fair competition..... Motion FAILED due to lack of a second.

Motion by Alderman Carnell, seconded by Alderman Nelson to NOT recommend the resolution. Motion carried 4-1 with Alderman Blumer casting the dissenting vote.

3) ADJOURNMENT

Motion by Alderman Meza, second by Alderman Carnell to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 7:06 pm.

RESPECTFULLY SUBMITTED:

KELLY MICHAELS, MMC, WCPC

BROOKFIELD CITY CLERK

August 3, 2021

Redistricting Resolution Statement (Alderman Mark Nelson)

This matter comes before us seeking approval of a resolution that would pass judgment on the concept of redistricting by our State government, and particularly as relates to the notion of "gerrymandering". It is acknowledged the resolution seeks an advisory opinion from the City since our body has no authority to perform the task of drawing lines for the various state redistricting that occurs approximately every ten years. Such redistricting simply is not part of the City's authority or jurisdiction.

The City of Brookfield, specifically, is being targeted by supporters of the resolution for reasons they have not explained. In other words, why Brookfield? Why not New Berlin, Menomonee Falls, or other cities, towns or villages? I wonder if people from outside the City, although welcome to address our Council during the public comment portion of our meetings, have made similar comments to their own governing bodies. Similarly, I wonder if residents from the City of Brookfield have gone outside our borders to make comments at meetings of our neighboring jurisdictions. The issue of gerrymandering and the passion demonstrated by supporters of the resolution, likely are not confined to just the City of Brookfield; yet here we are, the target of this effort.

The Fair Maps organization identifies and announces the number of counties and municipalities that have favored similar resolutions. No doubt, it would be a feather in the cap of that organization to be able to state that even Brookfield agrees with the resolution. To that end, we need to make sure Brookfield is not being used for political or other such efforts, which is reason to carefully evaluate whether it is within our role to step forward and support such a resolution.

The supporters of the resolution, including the two aldermen who proposed it, acknowledge this type of resolution is not typically addressed by the City. Comments have been made, however, suggesting the City has from time-to-time dipped its oar into resolutions that go beyond the City's authority. It is my impression these comments, that we have passed such resolutions are incorrect. To the best of my recollection, the previous resolutions referred to by the supporters addressed situations that had a direct impact upon the citizens of Brookfield as a whole. Further, I do not recall any alderman or member of the public objecting to those previous resolutions. I do not recall any of those resolutions being so political and so simply advisory.

Although I do not believe we did so, if the Council, in the past, had ventured into matters that we should not have, then such would have been an error. We should not compound that error by making yet another error.

To allow resolutions of the kind proposed opens the door to allow the Council to address any and all matters that might be affecting our citizens, be it at a global level, federal level, state level,

county level, school district level, or at any other level of government. I don't believe that is our job.

This resolution states we, on behalf of the City, "insist" the state government take a certain action. It is not our job to tell other governing bodies how to do their job unless, in those rare occasions, the other body is considering action that directly impacts the City of Brookfield as a whole.

The supporters claim the resolution is a bipartisan effort, or at least that it is not partisan. Some members of the public have indeed stated they were Republicans, but still favored the resolution. As an alderperson, though, I do not view my role as taking a head count of Republicans and Democrats to see which way I should vote regarding any resolution or matter that comes before us. Simply put, whether this resolution is bipartisan or partisan by definition, then, it is not non-partisan. It is difficult to see this proposed resolution as a bipartisan effort given the comments in support of the resolution attack the party now in control.

We as alderpersons represent the City as a whole; and we are to be nonpartisan. While privately, we may have our own feelings with respect to political issues, even as to gerrymandering, those private opinions are no better than anyone else's opinions; and they should have no more weight than anyone else's private opinions.

In the City of Brookfield, we, as a Common Council, address the significant non-partisan issues of providing safe water, collecting trash, maintaining sanitary sewers, delivering superior law enforcement and firefighting services. We provide amenities such as parks and bike paths, we engage in sophisticated planning for the future, and budgeting; and the list goes on. While some of these issues may be controversial, they are not political; they are not partisan. The City of Brookfield has excelled in addressing these vital city functions in a non-partisan fashion. Our non-partisanship approach to the City's existence and management should be preserved, and should not be sacrificed as a result of any political issue. My hope is that we resist politicizing issues that come before the Common Council.

As relates to gerrymandering specifically, I note the City of Brookfield is covered by state assembly districts 13 and 14. Both of those districts are now represented by Democrats. Thus, regardless of how people may feel about gerrymandering, in Brookfield, to the extent Democrats may believe they are underrepresented, or their vote does not count, such is not the case.

I will be voting against the resolution. Although I have other comments that I will make at the upcoming council meeting, tonight, I have tried to set forth what I view as jurisdictional reasons to explain my vote. In my comments I have not given my private opinion with respect to being in favor of or against gerrymandering. Therefore, if someone represents my comments suggesting that I am "for or against gerrymandering", such a representation would be inaccurate and false.