

To: Mayor Justin Nickels and Council Members
From: Alderman Rhienna Gabriel
Date: May 18, 2018
Re: Resolution 18-0460

I object to the process used to advance Resolution 18-0460, to the form and substance of the Resolution.

The Resolution is scheduled for action by the Common Council without the benefit of any prior hearing to determine the facts and what law applies to those facts. I have had no opportunity to be heard, or, to confront those presenting information against me. Further, it appears that members of the Council have discussed this matter outside of scheduled meetings. These ex parte contacts deny me the right to hear the accusations against me.

This is not an ordinary policy decision where a legislative process is involved. This is a proposal which appears directed at finding that I have acted inappropriately and imposing punishment on me. The proposed action would deprive me of my liberty interest in serving as a council member and representing my constituents. The allegations are of serious wrongdoing which implicate my good name and reputation. I am entitled to due process before action of this seriousness is taken.

It also should be noted that the Resolution itself is an embarrassment to the Council process. It is entirely handwritten. Text was written at the top which is scratched out. The written text in the Resolution is hard to read, and vague to the point of meaningless. The Resolution makes no findings to support any conclusions or actions. It cites no legal authority for the actions proposed, whatever they are. The resolution appears to propose that I be required to follow the Mayor's directions to meet with Department heads. I believe that provision is an unlawful restriction on my responsibilities as an Alderman.

Finally, I emphatically dispute that there is any basis at all for this action. I have done nothing wrong. Even if my actions were inadvertently incorrect, the magnitude of the alleged violation is minor in proportion to the drastic remedy.

There is only one way to interpret this action. Since I was elected last year, I have asked questions about City government. I have challenged the status quo. I have made some people uncomfortable by scrutinizing the way things always have been done. This resolution is being presented to retaliate against me for exercising my First Amendment rights and my prerogative as an elected official to ask hard questions.

Certainly, I do not expect Council members to agree with me. But, I have every right to expect that Council members will not seize upon an insubstantial pretext to scourge me publicly. To do so is a violation of my civil rights and the democratic process. I ask you to reject the Resolution.

R. C. Gabriel



18-0460

Standing Committee: Committee of the Whole

Document Name: Possible censure and discipline of alder due to inappropriate conduct.

- ~~- Current Term Suspension of Alderperson R. Gabriel Per Standing Committee~~
~~- Directive to follow Mayor's Request for meeting~~

Consent ☐

Non-Consent ☒

Chairman Recommend ☐

Recommendation:

- Current Term Suspension of Alderperson R. Gabriel For Standing Committee
- Directive to follow Mayor's Request for meeting w/ Dept Heads

Attest:

President - Alderperson Scott McMeans

Date

Alderperson Mike Howe, District 1

Alderperson Jeremiah Novak, District 3

Alderperson Jim Brey, District 4

Alderperson Lee Kummer, District 5

Alderperson Eric Sitkewitz, District 6

Alderperson Todd Lotz, District 7

Alderperson Mike Williams, District 8

Alderperson Steve Czokala, District 9

Alderperson Rhienna Gabriel, District 10

Mayor Justin M. Nickels

Approved:

Justin M. Nickels
Mayor

Date