

# Schmitt narrowly survives removal vote

Jeff Bollier , USA TODAY NETWORK-Wisconsin

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GREEN BAY - Mayor Jim Schmitt narrowly survived a hearing seeking his removal Monday night after a tense, four-hour process.

The City Council split the removal action into two votes with both votes needing the support of nine aldermen, or more than 75 percent of the council. The first vote was to determine whether there was cause to remove Schmitt while the second vote would have removed him from office.

On the first vote, the council voted 9-3 to find there was cause to remove Schmitt after an hourlong hearing (TODAY NETWORK-Wisconsin) and close to three hours of closed-session deliberations.

But, on the second vote, Alder man Randy Scannell decided not to support removing Schmitt which left the council just short of the nine votes needed to remove him from office.

Scannell joined Aldermen Barbara Dorff, Joe Moore and William Galvin in voting against removal. He said the state legislature straightjacketed the council by giving it no recourse except to remove the mayor and said removal should be up to the public.

"I certainly don't condone the mayor's options," Scannell said. "When it comes to removing any elected official, it's the electorate that put him there and I feel it would be a bit arrogant to assume I know the electorate better than themselves when they have the power to do so.

"I just don't believe, for myself, it's appropriate to remove the mayor, or any elected official when the public can do it unless there was a terribly egregious offense. I don't think that's the case here."

Several aldermen said the city has to uphold standards, that Schmitt committed dozens of violations that were not charged but were read into the record and that Schmitt's actions put the city through a lot of hardship with residents and business owners.

"To vote no on this would be to tell people that you tolerate some corruption in our election process," Alderman Tom Sladek said. "In the context of how local government operates, there's nothing more important than elections."

Dorff and Moore both said they opposed removal based partly on an assessment by Bruce Landgraf, who prosecuted Schmitt's campaign finance violations, that Schmitt's misconduct was not related to his service as mayor.

"There was nothing that I saw that indicated misconduct in office," Moore said.

The hearing focused on resident Scott Vanidestine's petition that Schmitt should be removed from office because he pleaded guilty to three misdemeanor campaign finance violations.

"The enormity of the evidence shows Mayor Jim Schmitt's intent to deceive (the public) and he should be removed from office," Vanidestine said. "This has eroded trust in the mayor. I don't trust him anymore. I wouldn't do business with the city anymore. I do not believe he can lead our city." Schmitt did not testify nor offer a statement during the hearing.

The hearing turned tense quickly as Schmitt's attorney, Patrick Knight, and the council's attorney, Jeremy Levinson, traded barbs over objections and procedural arguments.

Before the hearing even began, Knight demanded three aldermen, Tom De Wane, Chris Wery and Guy Zima, recuse themselves because they had made statements saying Schmitt should be removed.

"Where there is direct evidence where one has prejudged the matter or cannot be impartial, it defeats the entire purpose of the hearing," Knight said. "In this instance, there's a public record involved. They're not just calling for resignation of office, but calling for removal through this procedure." The council discussed the issue behind closed doors. None of the three recused himself.



Mayor Jim Schmitt's attorney, Patrick Knight, addresses the Green Bay City Council during a hearing held Feb. 20. Sarah Kloepping/USA TODAY NETWORK-Wisconsin (Photo: Sarah Kloepping/USA TODAY NETWORK-Wisconsin)

And after Knight objected to Levinson's suggestion that Schmitt's campaign finance violations blended his roles as candidate and mayor, Knight claimed several aldermen had already made up their minds before the hearing began.

Still, Levinson cautioned the council that it should stick to the details presented during the hearing.

"This hearing is about facts and a legal standard, not peoples' opinion," Levinson said. "The council will have to decide whether the facts meet the standard."

Knight, argued that the council could not connect Schmitt's campaign finance violations to any dereliction of duty. He said the voters can file a recall if they want to oust Schmitt, but the council is not the body to remove the mayor from office.

"If the people have soured on him, there's a vehicle by which they can remove him. But this is not the forum in which to do it," Knight said. "(His violations are) not related to any mayoral duties and if you look at the issue of removal, the only step you're taking is contrary to the people of Green Bay and denying them a chance to elect or remove their officials. It's a step this body should not take."

Levinson said he thought there was evidence to connect behavior that led to Schmitt's conviction to his duties as mayor and thus a basis for the council to decide there was cause to remove him from office.

"The undisputed facts set forth in the document legally support a finding of cause should the council decide that today," Levinson said. "He was mayor at the time he was an incumbent candidate for reelection. His nonreporting and misreporting of illegal contributions was to the City Clerk's office and there came a point where he made an announcement about the City Clerk auditing one of his campaign finance reports."