

Mary

Sent from my iPod

On May 2, 2009, at 6:50 PM, "Kraft, Warren" <[kraftw@ci.west-bend.wi.us](mailto:kraftw@ci.west-bend.wi.us)> wrote:

I couldn't let this one wait till Monday, Mary! Spent the latter part of Friday on the phone with Nick that apparently helped him form the words for this message.

WHOO! HOO!

Enjoy yourself!

TNX

Warren P Kraft

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P Please consider the environment before printing this e-mail.

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From: Dobberstein, Nick

Sent: Saturday, May 02, 2009 6:27 PM

To: Driscoll, Mary

Cc: Melvin, Dennis; Kraft, Warren; Deiss, Kristine

Subject: FW: RECISSION

Hi, Mary. Could you please see that this memo (attached and below as well) gets to Kris Monday? I hope she could also ask alderman if they would be amendable to postponing the vote as Dick won't be there and it is an issue all districts should have input on. I think there's precedent for that request with regard to past votes on important topics.

Nick

To: Mayor Kristine Deiss

From: Alderman Nick Dobberstein

RE: Library Board Recission

Date: 5/2/09

Dear Kris,

The reasons for placing a motion on the agenda to rescind last week's Library Board Appointee vote are few.

First, one alderman who I respect took the occasion of the mayoral appointment time to speak to his ideology and not the qualifications of the appointees. I would like to redress this—not with more ideology, but with some more information for everybody on the Council to sincerely consider with regard to the appointments.

Second, I have had a strong show of support on this issue expressed by scores of phone calls, e-mails, or letter. Many have asked what they can do to get the slate of library board members reinstated.

Third, even if I had not had a strong show of support with regard to reconsidering (say, contacts that were 50/50 with regard to the issue), voting to approve the slate as proposed by you our mayor is the right thing to do.

I say this for three reasons:

- 1) They are uniquely qualified to handle the complaints.
- 2) They have followed processes for handling complaints.
- 3) Dismissing the mayor's appointees to Boards, Commissions, and Committees sets troubling precedents.

## Unique Qualifications

1. Mary Reilly-Kliss—1) headed up research about creating a library friends group 2) served as county-wide reading liaison, a position she created 3) brings energy critical thinking to the board which is needed for the Maziarkas' complaints.
2. Jim Porous—1) provides a legal perspective 2) objective and digests facts thoroughly 3) intimately knows the role of a library trustee as he has served I believe over 20 years, which is needed to help with the Maziarkas' complaints.
3. Tom Fitz—1) retired librarian who has served for decades and saw the library through the building process. His knowledge can help the Maziarkas with their complaints.
4. I spoke to my accomplishments last meeting.

## The Library Board's Process

There is a misconception about the board being slow to react to the Maziarka complaint.

For all residents and Council members to understand: The Board Chair sets meetings working with the director. Not one of those on the mayor's slate is a Chair or Director.

In addition, the Chair and the Director have been taking the advice of the city attorney. The city attorney's ultimate responsibility is the citizen, not the Board. If the city attorney recommends a process or procedure, it is incumbent on officials to follow it as it helps protect officials from liability.

To expect the other library board members to somehow hurry meetings up is to expect the board members is nothing less than to overstep their role on the board.

In addition, take into account the complaint and its chronology:

February 12th—Complaint filed to remove link to "Out of the Closet" literature (any book that has homosexuality in it)—  
remove or put in a reference section  
Add ex-gay books

February 23rd—1st library meeting

February 26th—2nd library meeting (Three days later)

March 4th—move books to adult area (WISSUP)

March 16th –added books (WISSUP)

Cancelled meeting for complaintants' church commitments

Cancelled meeting due to fire code violations

Informed by attorney that complaint was unclear and that the Maziarkas should re-apply complaint.

March 24th –Maziarkas called public meeting at Silverbrook

March 26th –Petition announced (WISSUP)

## Troubling Precedents

What message are we sending to people who want to serve their community on Councils, Committees and Boards?

Is the Council going to go after the rest of the Library Board next year?

What Board member will be the next victim of going against an alderman's ideology?

Should a mayor start screening applicants based simply on if they agree with her or the Council or not?

In a recent story in Idaho, a mayor DID install three of five new Library Board members who DID push through an agenda similar to Alderman Vrana's. The Library Board put the city into a position of liability in that the ACLU threatened a

lawsuit. The Library Board—after advice from the city attorney that the suit would take up to \$400,000 to fight—decided at a late night emergency meeting to retract putting deemed objectionable books into a separate area.

#### Conclusion

In explaining these reasons briefly, I don't pretend to change anyone's minds about how they feel about the books in question. I DO, however, hope some better understand the library board and the need for keeping the mayor's appointees.

The role of Library Trustee is important. And the role of Library Trustee AND steward of the taxpayer is doubly important.

In fact, since several on Council feel strongly about the Library Board and the upcoming discussion of petitions, I would—with a successful rescission of last week's vote—personally move to amend the slate of library board members to allow Alderman Vrana or Hutchins to serve.

Sincerely,

Alderman Nick Dobberstein

<RECISSION.DOC>