

RESOLUTION NO.: 25—2023-24

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 The Outagamie County Board of Supervisors (the Board) is the elected Governing Body of
2 Outagamie County representing districts as determined by Wis. Stat. §59.10 and Outagamie
3 County Ordinance Sec. 2-19. As the legislative body for Outagamie County, the Board reviews
4 resolutions and ordinances which are considered for adoption. It is through these ordinances
5 and resolutions that the County undertakes the duties conferred to it by the legislature through
6 the Wisconsin Constitution as set forth in Wis. Stat. §§59.01, 59.04, Article IV §22 of the
7 Wisconsin Constitution, and Outagamie County Ordinance Sec. 2-51.

8
9 On May 9th, 2023, Supervisor Timothy Hermes uttered comments during a presentation by
10 Equity, Diversity, and Inclusion Officer Major Cooper which were expressed in a manner that
11 many members of the Board and community found to be offensive. A transcript of the
12 comments at issue are attached and incorporated by reference herein as Attachment A.

13
14 The Board recognizes that each individual board member has a right under the First
15 Amendment to freely express their own personal ideals and beliefs so long as those ideals are
16 expressed in an appropriate time, place, and manner. The Board believes that members must
17 conduct themselves in a civil manner while addressing the issues that affect our community as
18 failing to do so damages the good name, reputation, and relationship with our constituents as
19 a whole. While Supervisor Hermes has his right to utter protected speech under the First
20 Amendment, the Board has its own right to collectively make a statement establishing their
21 opinion on the comments and behavior of its members. *See, Houston Community College*
22 *System v. Wilson*, 142 S. Ct. 1253; 212 L. ED. 2d 303, (2022).

23
24 NOW THEREFORE, the undersigned members of the Outagamie County Board of Supervisors
25 recommend adoption of the following resolution.

26 BE IT RESOLVED, that the Outagamie County Board of Supervisors approves of requesting the
27 Chairperson of the Board verbally censure Supervisor Timothy Hermes for his conduct at the May 9th,
28 2023 Board Meeting in Appleton Wisconsin, and

29 BE IT FURTHER RESOLVED, that the Outagamie County Board finds the conduct of Supervisor
30 Hermes to be damaging to the good reputation of Outagamie County, to be disrespectful and insensitive
31 to members of our community, and to be inconsistent with the mission of Outagamie County, its
32 employees, officers and the majority of the County Board of Supervisors, and

1 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of
2 this resolution to the Outagamie County Executive, Outagamie County Corporation Counsel, and
3 Outagamie County Board Chairperson

4 Dated this _____ day of June 2023.

5 Respectfully Submitted,
6 VARIOUS SUPERVISORS
7
8
9

10	_____	_____
11		
12		
13		
14	_____	_____
15		
16		
17		
18	_____	_____
19		
20		
21		
22	_____	_____
23		
24		
25		
26	_____	_____
27		
28		
29		
30	_____	_____
31		

32
33 Duly and officially adopted by the County Board on: _____

34
35
36 Signed: _____
37 Board Chairperson County Clerk

38
39
40 Approved: _____ Vetoed: _____

41
42
43 Signed: _____
44 County Executive

ATTACHMENT A

Transcript of May 9th, 2023 Outagamie County Board Meeting EDI Presentation Q & A

1
2
3 **Chair Nooyen:** Supervisor Hermes

4 **Supervisor Hermes:** Yeah, I got a question and a comment. I know women had to fight for their own sports,
5 and their own bathrooms, and the way I look at things is, you know, if you have any man
6 that decides he wants to be a woman, is kind of reverting a woman to a feeling like any
7 grandmother, mother, sister, daughter, any man can just be that. Now to me, a man
8 putting on a dress, and putting on a woman’s face, is the same as the black face in the
9 1920’s. Now how do you justify that, you know, people who accept that, reverting a
10 woman to a feeling, that any man can be a woman. I just totally disagree with that.

11 **Mr. Cooper:** I think it’s really about, um, showing everyone dignity, and respect, and so how a person
12 identifies, we have to respect that. And I think also, we have to not only respect it, but
13 we have to acknowledge it, and make sure that they’re operating in a safe space. And
14 so, I definitely can understand where for some people, it may seem, I’m not even going
15 to acknowledge it as odd, but it may be a new idea and a new way of thinking or
16 approaching people. I think if you operate with a dignity lens, first and foremost and
17 see that person as an actual person, no matter what they identify as their gender, there
18 are certain rights that they should deserve.

19 **Supervisor Hermes:** But don’t you think women have the right to their own bathrooms, and not a man
20 pretending to be a woman going in to that bathroom? I mean that puts a lot of
21 concerns for fathers, you have a man in a dress with a woman’s face on going into a
22 bathroom by a little girl, trying to change in their dressing rooms, I find that disgusting.

23 **Mr. Cooper:** Well I think what we are moving to now, again this is all about changing the culture and I
24 think what we are looking at now is that as we provide a safe space for all, that we have
25 these places and spaces where we have a family restroom. Where if there is a situation
26 where a father, that has a young daughter, may feel uncomfortable with sending their
27 young daughter into a women’s only restroom or a female identifying restroom, they
28 can take them into that single stall family restroom, and then lock the door and its just
29 them two without any type of disruption. And that’s where I think we are moving the
30 culture to make sure that we are showing respect to all, and dignity to all. And I
31 understand where you may have a fear in that, or you may have feelings of disgust, and
32 I acknowledge that, but I also want to push back at you and say, what happens then
33 when it is your daughter who grows older and says, you know what, father I feel as if I
34 may need to transition because now I feel and want to identify as a male. You would
35 want that same safe space for them as they travel and as they are really trying to just
36 exist in this county. And so, that’s where I think we really need to push the culture is
37 that we have to not only be an ally and recognize that there are people who are
38 different from us but then also try to put ourselves in their shoes, and what if it was our
39 family member, we would want the same rights for them as well.

40 **Supervisor Hermes:** I would have to go get counseling. Is what I would do.