SPECIAL TRAINING SESSION
APRIL 19, 2011

The Trempealeau County Board of Supervisors met in Special Session at the Government Center in the City of Whitehall, County of Trempealeau and State of Wisconsin on Tuesday, April 19, 2011 at 8:30 a.m. with Chair Wally Geske presiding.

CALL

Dear Supervisor,

Please be advised that the Trempealeau County Board of Supervisors will meet at 10:00 a.m. on April 19, 2011 in the County Board Room. The Educational Class presented by Corporation Counsel Rian Radtke will start at 8:30 a.m. in the County Board Room. All County Board Members' Claims are due in the County Clerk's Office by noon on April 5, 2011 so they can be prepared for Audit Committee approval.

Sincerely,
/s/ Paul L. Syverson
County Clerk

Roll was called. A quorum was met with 13 supervisors in attendance. Olin Fimreite, David Suchla, Rodney Severson and Michael Nelson were absent.

Olin Fimreite arrived at 8:32 a.m. Michael Nelson arrived at 8:35 a.m. and David Suchla arrived at 9:00 a.m.

Chair Geske announced the open meeting law requirements have been complied with by postings and notifications to the members and media.

Rian Radtke from Corporation Counsel introduced John Reinemann; Legislative Director, Wisconsin Counties Association and Patrick C. Henneger; Associate Attorney, Phillips Borowski, S.C. and Michael Blaska; WCA Director as today's speakers.

John gave a handout to follow outlining "Wisconsin's Open Meetings Law." He said that citizens are entitled to the fullest and most complete information regarding the affairs of government and that all meetings shall be publicly held in places reasonably accessible to the public and be open to the public at all times. He listed examples of governmental bodies, subunits, state legislature, governmental corporations and quasi-governmental corporations. He said the open meetings law does not apply to governmental department with only a single member, bodies meeting for collective bargaining nor adhoc gatherings. John said notice should be given for a collective bargaining meeting but they would discuss negotiations in closed session. Also department head meetings with employees don't need to give notice of a meeting.

John explained that a "meeting" occurs when one half of the members are present and it is not a social or chance gathering unless they are discussing topics in their realm. He said there is a "showers" test as to what constitutes a meeting. If there is a purpose to engage in governmental business and the number of members present is sufficient to determine the governmental body's course of action (gathering information about an issue), then a meeting is taking place. He also

stressed that the numbers requirement doesn't mean the "majority" of the body if, say, a 2/3 vote is required to pass something then a minority would still have the power to control a vote.

He went on to explain "convening members" and discussed ways of convening other than in person. A written letter is largely a one-way flow of information with little or no conversation-like interaction among members. The Attorney General has ruled that this is not a "convening of members". However, a telephone conversation or conference call could be similar to a face-to-face meeting and would qualify as a "convening of members" if the purpose of the call was to conduct government business and involved a sufficient number of members. If phone conversations are being held it would be necessary to post it as an opening meeting and provide a phone for the public to listen in on. Likewise for electronic correspondence (email), if the communication closely resembles a conversation from rapid back-and-forth exchanges, then it could constitute a meeting and the Attorney General recommends avoiding it. Another way for a possible meeting to occur is through "walking quorums". They are considered a violation of open meeting law. Things can be discussed among a few members but they can't have an agreement on how to vote on a subject. Patrick said to use the "smell test" if you are unsure about conversation being a discussion or an actual meeting that should be posted as such. If, after all you heard today, you are still not sure, you should probably either stop the conversation or continue it once the meeting has be posted and the proper time has come to discuss it again.

In the case of convening members having multiple meetings, it is best to post any and all possible committees that may be present by majority.

If a meeting is occurring you need to give advance public notice for each meeting with time date, location and subject matter, including detailed closed session items noted and then conduct all the business in open session unless it is exempt under state statutes. Notice should be posted in one or more places easily seen by the public and also send notice to the official newspaper. The newspaper does not have to publish the notice but it is required that they receive one anyway. It was also brought up that if there is a hot topic on the agenda to make sure and give the public sufficient notice and don't hide it under a bigger, broader subject matter on the agenda and also provide a room large enough to accommodate all interested. One issue brought up by board members was the use of recording devices. The speakers said that reasonable effort needs to be made to accommodate anyone who wants to record, film or photograph an open session meeting as long as it doesn't interfere with the meeting. Public comment should be put on the agenda as one of the items, however it is not required.

Open meeting law requires that a governmental body create and preserve a record of all motions and roll-call votes at meetings, open or closed. When holding meetings regarding employees, if it is for a position then it is an open meeting. If it is in regards to a specific employee, the meeting is closed. Open meeting law has a wide discretion as to who may attend a closed session meeting. Anyone whose presence the body determines is necessary for the consideration of the matter, the governmental body may admit into the closed session. It was also noted that "reconvene" should be listed after closed session otherwise the committee cannot meet for another 12 hours. A minimum of 24 hours notice is needed for a meeting, however in the case of an emergency, two hours can legally be given.

When asked about penalties for members who knowingly attend meetings held in violation of the law, the speakers were not sure of how many people have been prosecuted for this but assumed the number was low. A member who does violate the law is subject to a fine ranging from $25 -

$300 for each violation. The District Attorney would initiate the enforcement proceedings on behalf of the state.

Mike Balska talked about different programs the WCA offers its members and the savings that come with it including insurance, retirement, investing, bond financing, and technology products and services.

Chair Geske declared the meeting adjourned at 10:05 am.

Recording Secretary,
Mary Martin