



Tim Gaskell
Vernon County District Attorney
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Viroqua, WI 54665

Dear Tim,

On Tuesday, October 18, 2022 the Vernon County Board Supervisors monthly meeting on the agenda was number 11. Resolution-Action Items

So, I'm asking what was the specific exemption used on that agenda? The agenda was posted as the following:

C. Resolution 2022-37 – Structure of County Administration – Administrative Coordinator – Action Item. If during any possible discussion of Resolution the body intends to discuss employment, promotion, compensation or performance evaluation data of the county's current administrator, the Chair will entertain a motion to enter into closed session, pursuant to Wis. Stat. 19.85(1)(c). (Roll call vote if motion is not unanimous.) Enter into closed session, if a motion is made and passed. Reconvene in open session pursuant to Wis. Stat. 19.85(2). (Roll call if motion is not unanimous.)

The public heard Loren state the reason for the change was not related to performance. That is counter to the language here allowing them to go into closed session.

Here is a list of the specific exceptions to the open meetings law.
19.85 Exemptions.

(1) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this section. The motion shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemption or exemptions under this subsection by which such closed session is claimed to be authorized. Such an announcement shall become part of the record of the meeting. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes:

(a) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.

(b) Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and par. (f) do not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.

(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

If these are the specific reasons you are allowed to go into closed session.

In my opinion the board improperly entered into a closed session. I believe the residents/taxpayers of Vernon County were denied access to a discussion about a structural change to county government that they should have had access to.

We need to have this clarified to make sure this resolution follows the proper guidelines of open meeting laws and is valid, otherwise this resolution should be null and void.

Sincerely,
Mary Henry
Vernon County Board Supervisor #12