

This will also go on agenda- it's a pretty long one.

-----Original Message-----

**From:** Jeffrey S. Brandt  
**Sent:** Thursday, April 16, 2009 1:49 PM  
**To:** Brian Tungate  
**Subject:** RE: Park Board Agenda Questions

I copied the excerpt from the Municipality that I had previously shown you. As I have said, it is not appropriate. We have allowed it at CC meetings, but should not have. I gave a copy to the Mayor as well. Basically, allowing this would give members of a Board the opportunity to evade the Open Meetings Law. The Board has the right to create its own agenda. The CC has always had a reprise to give citizens the opportunity to comment on what they have just seen. That could either, you did good or you did bad. To combine them would make the reprise useless. If the Board wanted to eliminate the reprise, they could. Jeff

-----Original Message-----

**From:** Brian Tungate  
**Sent:** Thursday, April 16, 2009 11:13 AM  
**To:** Jeffrey S. Brandt  
**Subject:** Park Board Agenda Questions

Jeff:

Couple questions came up at the last meeting. I explained to the Board the law about discussing items not on the agenda and how as a Board member they are in an official capacity and treated different than members of the public that would like to speak at the meeting. Follow up question: Just as we do for the Council meeting, can a Park Board member during Public Comment, step down for a moment from their official capacity, state their name and address and then comment on any matter of concern to the city or what was on the agenda? I realize if they can do this, we are not supposed to engage that person or answer a question. This would have to be placed on future agenda.

Also, I presume the Board is free to establish the order of the agenda as the chairman sees fit. Could the two agenda items- Public Comments on any matter of concern to the City and Public Comments on any item listed on the agenda be combined into one item. It would read something like: Public Comments on any item listed on the agenda or on a matter of concern to the City. If that is not possible, can we list these two items in any order we wish on the agenda? I discussed this briefly with Debbie and it appeared there was no ordinance that stated the agenda order for the Park Board.

# Asked Questions

## LEGAL

by arrest or issuance of a warrant on the entire width of a highway and on the entire intersection of such a highway and a highway located in adjacent jurisdiction. This jurisdiction does not extend to a city or village police officer's jurisdiction outside the boundaries of this state.



and another city/village irrespective of whether the city or village boundary covers all or none of the boundary highway.

2. Can a member of a governmental body, as a member of the public, bring up items not specifically designated on the agenda under the period of noticed public comment allowed by the Open Meetings law?

No. Wisconsin Statute sec. 19.84(2) provides a limited exception to the general notice requirements of the Open Meetings law which allows members of the

public to bring up items not specifically on the agenda during a period of noticed public comment. It is intended to allow local governments to be responsive to their constituents and to allow the governing body to receive information from members of the public. However, it was not intended to allow members of governmental bodies to bring up items for discussion without placing the items on the agenda and giving notice to the public. Given that members of governmental bodies have ready access to agendas of the body, use by members of the 19.82(4) exception to discuss unnoticed matters will likely be seen as an impermissible attempt to circumvent the notice requirements of the Open Meetings law.

3. Must a village or city hold a referendum election on an issue

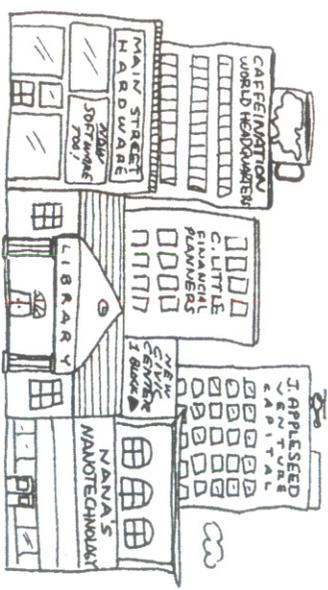
merely because a resident or group of residents requests one by petition?

No. The instances in which a resident or resident group may compel a governing body to hold a referendum election using a petition or otherwise are limited to those circumstances specified by state law or local ordinance. For example, state law requires that a referendum be held in some annexation actions if a sufficient number of qualified petitioners file a referendum petition. Wis. Stat. sec. 66.021(5)(c). Likewise, a referendum would result from a proper petition for direct legislation (see Elections 593 for an in-depth discussion of direct legislation petitions) and the governing body failure or refusal to adopt the proposed ordinance or resolution. Sec. 9.20(4), Stats. However, in the absence of a spe-

- 4.

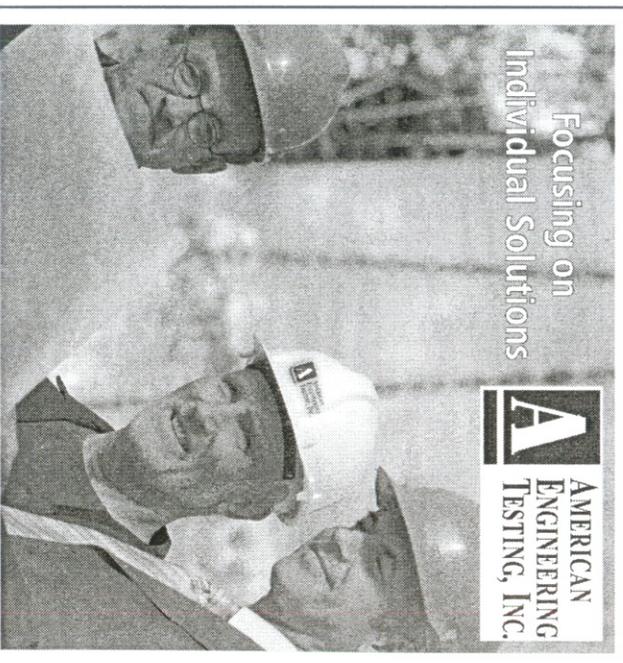
This question regards the statute which creates the licensing statute

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