



The Wisconsin Transparency Project

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Village of Roberts
c/o Village President Willard Moeri
107 E. Maple St.
Roberts, WI 54023

January 19, 2021

Re: Roberts' History of Improperly Noticing Meetings

To Whom It May Concern:

I represent Judge Peter Tharp with regard to his open records and open meetings concerns with the Village of Roberts. I am writing to draw your attention to the Village's failure to provide the proper public notice of its meetings as required by state statutes. Judge Tharp is asking the Village to voluntarily correct those mistakes going forward to avoid the need for additional litigation.

Specifically, the Village is failing to provide notice of its meetings to its official newspaper of record, the Star Observer (or any other appropriate local newspaper), as required by Wis. Stat. § 19.84(1)(b). The Village publishes notices for its public hearings but fails to either publish or provide notice for any of its other meetings. In addition to the requirements of Wis. Stat. § 19.84(1)(b), Village Ordinance 2-35(c) requires notice of all regular and special meetings of the Village Board to be published in the Village's official newspaper. We estimate approximately 90 meetings were illegally noticed in 2020 alone.

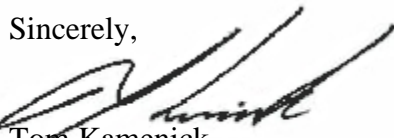
Furthermore, the Village is not ensuring that public notices of its annual budget hearings are published at least 15 days in advance of the hearings as required by Wis. Stat. §§ 65.90(3) and (4). In 2019 and 2020, the notices were published 12 and 11 days before the hearing, respectively.

Attached, please find a Verified Complaint that sets forth the legal deficiencies with the Village's notice practices in more detail. If the Village addresses these problems at its next regular meeting (my understanding is that will occur on Monday, February 8) and commits to providing the legally-required notice to its newspaper for all its meetings and ensuring notices of its budget hearings are published at least 15 days in advance, Judge Tharp will not file this Verified Complaint or otherwise bring a legal challenge to the Village's prior illegally-noticed meetings.

However, if the Village does not publicly commit to following the law, Judge Tharp will file the Verified Complaint with the St. Croix County District Attorney and the Wisconsin Attorney General. If neither chooses to bring a complaint, Tharp will do so, and can challenge any meeting held in the last two years. In such a suit, the court will have the power to void any action taken by the Village at an illegally-noticed meeting. *See Wis. Stat. § 19.97(3)*. The Village would also be liable for the plaintiff's attorney fees and court costs. *See Wis. Stat. § 19.97(4)*. Finally, each member of each governmental body that met in illegal meetings could be subject to a forfeiture of up to \$300 for each violation, and the presiding officer who was responsible for the failure to give notice would also be subject to similar forfeitures. *See Wis. Stat. § 19.96*. Such forfeitures must be paid personally and may not be reimbursed by the Village. *Id.*

Judge Tharp and I hope that the Village commits to following the proper notice procedures for all of its meetings, avoiding the need for more litigation. We look forward to hearing back from you after your February 8 meeting, but I'm happy to discuss this issue further at your convenience.

Sincerely,



Tom Kamenick

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