

DRAFT

**LAND INFORMATION COMMITTEE MEETING
December 09, 2016**

Members Present: Allen Behl, Becky Glewen, David Guckenberger, Harold Johnson, Larry Schraufnagel

Also Present: Chris Planasch, Joyce Fiacco

The Dodge County Land Information Committee meeting was called to order by Chairman Harold Johnson at 8:30 A.M., Room 3A, Dodge County Administration Building, 127 E. Oak Street, Juneau, Wisconsin. Roll call was taken and a quorum verified. It was confirmed that requirements of Wisconsin's Open Meetings law had been met.

No comments were received from the public regarding committee business.

Schraufnagel motioned, second by Glewen to approve minutes from the November 11, 2016 meeting. Motion carried.

There were no committee member reports for meetings attended outside of the regularly scheduled Land Information Committee meeting.

Planasch presented the Register of Deeds November Revenue Report which included monthly Summary of Fees collected through November 2016 broken out by amounts returned to the State and amounts retained by the County in various revenue accounts. She also presented the Monthly Fees Summary Comparison reporting the previous month/last four (4) years with associated total document recordings for each prior year. 1163 real estate documents were recorded in November. Planasch reported the number of documents received was on track to meet budgeted revenues. No committee action was required.

Planasch presented the November Register of Deeds Activity Report. Staff continues to index legal descriptions from documents recorded from March 16, 1999 back to April 1, 1987 in order to complete the index for these documents. Currently, only grantor/grantees have been indexed (March 16, 1999 to January 15, 1999). Staff is verifying the imaging index for paper documents from 1974 back to 1877 having verified Volume 448 back to Volume 225. 75 volumes (Volume 560 to 635) have been imported into LandLink. Removal of confidential information from the birth records (records from August, 1964 to December 1975 remain) and marriage records (records from 1967 to 1977 remain) continues. Staff is keeping up with new recordings with each having a project to work on as time permits. As of December 05, 2016, there were 12 subscriptions, 154 escrow accounts, and 2800 self-registered accounts in LandShark. The self-registered accounts only have access to the grantor/grantee/tract indexes on-line, not access to the document images as do the subscription and escrow accounts. No committee action was required.

Fiacco presented the November Revenue Report for the Land Resources and Parks, Land Information Division business units, reporting that budgeted revenues should be met. No committee action was required.

Fiacco presented a request for purchase of a Leica TS16 Robotic Total Station utilizing unexpended 2016 funds previously budgeted and available from wage/fringe benefits for the unfilled survey position. The County Administrator was consulted by Fiacco and both signed off on an intra-department fund transfer to cover the purchase. Land Information Committee approval is required to approve the purchase and the completed form with signatures of the Department Head, County Administrator, and LIC Chairman will be presented to the Finance Committee for their awareness. Fiacco provided background on a year-end opportunity to trade in the older, existing model for \$10,000 which would be applied to the purchase cost of a model four versions newer having much expanded functionality to enhance productivity and efficiency of operations. The purchase price with trade-in will be \$22,995. Guckenberger motioned, second by Glewen to approve the trade-in and purchase of the Leica TS16 Robotic Total Station. Motion carried.

Fiacco provided an update on Land Information Management System (LIMS) implementation project including recent upgrades installed. Progress is being made on open issues with the Treasurer module; tax bills successfully went out last year and the 2016 tax bills will be sent out shortly. She reported that efforts to integrate documents from the Register of Deeds TriMin application and Department of Revenue (DOR) transfer returns were successful and will reduce redundancy of data entry. She also reviewed the payment schedule for the project with final payment being withheld until satisfactory completion of a list of priority items is accomplished. She stated that a carryover request for that amount will be included in a resolution to the county board from the Department for recommendation to the County Board at their February meeting. Work has begun on data conversion for the Permit Module which is included in the 2017 Budget. No committee action was required.

Fiacco presented the November Activity Report for the Land Information Division of the Land Resources and Parks Department which includes GIS mapping, analysis and services, survey and tax parcel mapping activities, and Property Description operations. No committee action was required.

Behl motioned the meeting be adjourned, second by Schraufnagel. Motion carried and the meeting was adjourned at 9:18 A.M. The next regular meeting would be Friday, January 13, 2017 at 8:30 A.M. in the Third Floor Conference Room, Room 3A, Dodge County Administration Building, 127 E. Oak Street, Juneau, Wisconsin although several potential conflicts were noted. Fiacco will contact committee members in early January to confirm the meeting date.

Respectfully Submitted,

Allen Behl, LIC Secretary
AB: jjf

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.

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MEMO

TO: Executive Committee of the
Dodge County Board of Supervisors

FROM: Kathilyne A. Grotelueschen
Assistant Corporation Counsel

DATE: December 29, 2016

RE: *Proposed Changes to Committee Meeting Agendas/Badke Notice*

In July 2016 the Wisconsin Department of Justice (DOJ) issued a letter to the Deputy District Attorney and Corporation Counsel for Winnebago County regarding alleged violations of the Wisconsin Open Meetings Law. In that letter, the DOJ stated that Winnebago County's boilerplate notice on all of its public meeting notices, stating that any county board subcommittee may have a quorum in attendance at that meeting, was not sufficient notice under Wisconsin's Open Meetings Law. Specifically, the DOJ stated that "[s]uch a notice is not reasonably likely to apprise members of the public and the news media of the time, date, place and subject matter of a meeting because it does not provide notice of an actual meeting of a governmental body. It merely communicates the time, date, place and subject matter of a *possible* meeting of any number of governmental bodies." The DOJ stated that the two subcommittees at issue in Winnebago County could meet the Open Meetings Law requirements by using a single notice which "clearly and plainly indicate[s] that a joint meeting will be held and give[s] the names of each of the governmental bodies involved."

In light of this letter from the DOJ, several counties have revisited their public meeting notice procedure. Dodge County had been using a *Badke* notice, similar to that used by Winnebago County, in situations where it was likely a quorum or negative quorum of one committee would be present at another committee's meeting. The DOJ letter calls into question whether such a notice is sufficient in those situations, and makes it clear that joint meeting notices, or multiple separate meeting notices, may also be required to be given when the members of one committee constitute a quorum or negative quorum of another committee. Wisconsin Open Meetings Law requires that multiple separate meeting notices, or a single joint meeting notice, be provided when there is a public meeting, as defined under the Wisconsin Open Meetings Law, of more than one governmental body.

Whenever a public body holds a meeting, it must provide sufficient notice and public access to that meeting. Under Wisconsin Open Meetings Law, a public meeting occurs when: 1) there is a public body; 2) a sufficient number of members of that public body are gathered such that they can determine the outcome of an item before the public body (the “numbers requirement”); and 3) there is an intent to engage in the business of the public body (the “purpose requirement”). Looking at these elements more closely reveals that they are not as straightforward as they may first appear:

- A) Public Body – Wisconsin Open Meetings Law only applies to “governmental bodies,” which is defined as any “state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order.” WIS. STAT. § 19.82(1).
- B) The Numbers Requirement – Wisconsin Open Meetings Law applies any time that enough members of a governmental body gather such that they can determine the outcome of an item or the course of the body’s actions. This includes the presence of a quorum or a negative quorum. A quorum occurs when there are enough members present to take an action, whereas a negative quorum occurs when there are enough members present to defeat an action.
- C) The Purpose Requirement – Wisconsin Open Meetings Law applies only to “meetings,” which is defined as a “convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body.” WIS. STAT. § 19.82(2). This has been interpreted to include a situation where members of a governmental body gather to simply hear information on a matter within the body’s realm of authority (a subject over which it has decision making responsibility). Additionally, if at least one-half of the members of a governmental body are present, there is a rebuttable presumption that the members have met to engage in governmental business. WIS. STAT. § 19.82(2).

Under this definition of a public meeting, there are likely situations in which some members of one committee of the Dodge County Board of Supervisors, the “parent committee”, may constitute a quorum or negative quorum of another committee, the “subcommittee”. In such a situation, if the matters to be heard at a meeting of the parent committee fall within the realm of authority of the subcommittee, there is also a meeting of the subcommittee for purposes of the Wisconsin Open Meetings Law and a public notice must be given. Our office advises that a joint committee meeting notice, similar to the attached example, be provided.

There may also be situations where members of the Board of Supervisors, or a specific committee, wish to attend a meeting of a different committee or any other meeting or presentation which contains information within the realm of authority of the Board or such committee. In that situation, if a sufficient number of members show up as to constitute a quorum or a negative quorum of the Board or committee, there has been a meeting within the Open Meetings Law and a public notice must be given. This can be done through a joint meeting notice, or a separate notice of each governmental body which will be present.

Please do not hesitate to contact this office if you have questions or concerns regarding this information.

**NOTICE OF JOINT MEETING OF COMMITTEE A AND
COMMITTEE B OF THE
DODGE COUNTY BOARD OF SUPERVISORS**

There will be a joint meeting of Committee A and Committee B of the Dodge County Board of Supervisors on _____, 2017 at _____ o'clock A.M., in the _____, Dodge County Administration Building, 127 East Oak Street, Juneau, Wisconsin.

Note: All Action Items relate only to Committee A. Committee B will listen, gather information, and comment upon matters within the body's realm of authority, but will not take any formal action. *See State ex rel. Badke v. Vill. Bd. Of Vill. Of Greendale*, 173 Wis.2d 553, 578-74, 494 N.W.2d 408 (1993).

The Agenda for the Meeting is as follows:

1. Call to Order
2. Roll Call
3. Next Meeting Date / Future Meeting Topics
4. Adjournment

Any person wishing to attend who, because of a disability, requires special accommodation, should contact the Dodge County Clerk's Office at (920) 386-3600, at least 24 hours before the scheduled meeting time so appropriate arrangements can be made. The building entrance which is accessible by a person with disability is located on the east side of the building off of Miller Street.