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July 17, 2008

Pewaukee Village Voice
P.O. Box 322
Pewaukee, WI 53072

Dear Members of Pewaukee Village Voice:

I enjoyed meeting with members of your organization on July 14, 2008, and admire you for your efforts to encourage a vigorous public discourse among the voters in your community. I am writing in response to your request for my opinion regarding your proposed Town Hall Meeting to be held on September 24, 2008.

Your primary concern was whether the Town Hall Meeting may run afoul of the Wisconsin Open Meetings Law. Since you are hoping that you will have a strong turnout from elected officials who will make themselves available to answer questions from citizens, it is reasonable to inquire as to whether this creates any obligations for you or the elected officials under the Open Meetings Law.

The easier answer relates to your obligations. Since Pewaukee Village Voice is not a "governmental body" under the Open Meetings Law, you do not have any obligations under the statute.

The answer is more complicated for the elected officials. The elected officials who are considering attending should probably check with the Village Attorney, since the Village Attorney is responsible for providing legal advice to the Board of Trustees. My opinion is that members of the Board of Trustees who choose to participate in this Town Hall meeting do not violate the Open Meetings Law. Under the Open Meetings Law, a "meeting" is defined as "the 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". The Town Hall meeting is not a "meeting" under that definition. It is more complicated, however, since there is a presumption that if half or more of the members of a government body are present, the gathering is a meeting. The term "meeting" is not intended, however, to include a conference which is not intended to avoid the Open Meetings Law. The purpose of this gathering is, by definition, to have a forum open to public scrutiny.

The other aspect of the issue for the public officials is whether they are required to post an agenda and notice of the meeting. Given that this is not an official meeting of the body, and the public officials will not really be in control of the agenda, I do not believe that they are under any

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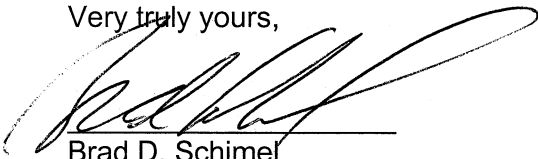
obligation to post notice of the meeting or post an agenda. My only advice for the Trustees who participate in this Town Hall forum is that they use caution in responding to questions that address issues that have not yet proceeded to full discussion and debate. They should use care to provide a "statesmanlike" response that may offer their initial reaction on the issue while pointing out that they will not make a final determination on their vote until the matter proceeds to full public discussion and debate at an official meeting. It seems likely that the members of the community will ask direct questions about specific issues that are under current consideration. Given that this will be occurring in a public forum, I believe they can answer the questions. It is probably wise, however, to acknowledge that there may be information presented during the official discussion on the matter that could affect their position.

You inquired as to whether you could include a copy of this letter with your invitation to the public officials. You may do so. If you wish to post this letter on your website, I do not have any objection to that either.

You also inquired as to whether you need to register as a political group or committee. Since I am not aware of you taking any position advocating for any particular candidate or any particular position on a referendum, I do not believe that the Campaign Finance Laws require you to register. In the event you modify your current activities and begin taking positions relative to candidates or an issue on a referendum, you will be required to register as a political committee with the Village Clerk if you raise funds or make disbursements in excess of \$25 in a calendar year.

I hope that this letter responds to all of your questions. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Brad D. Schimel
District Attorney
Waukesha County

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