

September 8, 2025



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September 2, 2025

VIA E-MAIL

David Kochendorfer
Chairman, Town of Stubbs
3305 South Hutchinson Road
Bruce, WI 54819

Re: Town of Stubbs – Role of Clerk and Treasure at Board Meetings

Dear Chairman Kochendorfer:

Neither the Clerk nor the Treasurer are policy decision members and do not take an active role as such during Board meetings. Clerks are required to attend meetings for the purpose of taking minutes. Treasurers are not required to attend meetings. That is a policy decision of the Board as to whether it is helpful to have the Treasure attend. While somewhat unusual, a Clerk or Treasurer could speak during a public comment period, provided they make it clear they are not speaking for the Town but only as an individual. I reviewed a recent newspaper article where the Treasurer claimed an open meeting violation based on the Board not hearing a matter involving a site plan ordinance. The statement showed a lack of understanding of the open meeting laws and was not accurate. Inaccurate statements should be avoided, especially from someone holding an official position, even if speaking as an individual as it creates confusion for the public. There was also a statement about potential open meeting violations if Board members speak about Town business outside of an official meeting. It is challenging for Town's with three member Boards. Two members of the Board is considered a quorum. As such, two members discussing Town business outside of a meeting could lead to a violation. Board members should be aware of this situation. I understand the practical difficulty that this situation causes. It is a reason some Town's opt for a larger Board.

Hopefully this provides some guidance. Please let me know if there are additional questions or if you would like to discuss further.

Sincerely,

BAKKE NORMAN, S.C.

A handwritten signature in blue ink, appearing to read 'Paul Mahler', is written over a light blue horizontal line.

Paul H. Mahler

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VIA E-MAIL

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Chairman, Town of Stubbs
3305 South Hutchinson Road
Bruce, WI 54819

Re: Town of Stubbs – Behaviour at Town Meetings

Dear Chairman Kochendorfer:

It is the responsibility of the Town Chairman to see that Board meetings are handled in an organized and professional manner. The Town Chair has the power to order the removal of any individual disrupting a Board meeting. There is a common misunderstanding as to public participation in Board meetings. The Wisconsin open meeting law does require that Board meetings be open to the public to view the meeting. It does not require that the public be allowed to participate or speak at a meeting except in the case of an official public hearing. Many Towns do allow for a public comment period. A public comment period is not required. If the Town has public comment, this is not a period for open discussion of topics between the Board or a public question and answer session. It should be a chance for the public to raise concerns or suggest topics for future agenda items. A discussion by the Board on a topic not on the agenda could lead to an open meeting violation. The Board's role is to listen. I understand that in a small community, the Board wants to be respectful. Answering a simple question is ok but not a discussion. The Town Chair has the ability to place limits on the public comment period, i.e. time per individual or total time for the comment period.

As stated above, except in the case of a public hearing, the audience members do not have the right to speak on any topic before the Board. The Town Chair can allow it, but it is not required. Typically, an applicant for an item on the agenda is allowed to present and answer questions by Board members. The meeting must be orderly. Audience members should not shout out comments and disrupt the meeting. The Town Chair can cut off audience comments at any time.

Hopefully this provides some guidance. Please let me know if there are additional questions or if you would like to discuss further.

David Kochendorfer
September 2, 2025

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Sincerely,

BAKKE NORMAN, S.C.

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Paul H. Mahler

PHM/ac