

VILLAGE OF NORTH PRAIRIE PERSONNEL AND POLICY COMMITTEE
JUNE 1, 2023 MINUTES
NORTH PRAIRIE VILLAGE HALL- 130 N HARRISON STREET

1. Call to Order.

Chair Heintz-Taylor called the regular meeting to order at 5:00 p.m.

2. Roll Call

John Heintz-Taylor, Deborah Hall and Frank Rewasiewicz

Also Present: Eric Larson, Village Attorney

3. Public Comment.

At the sole discussion of the Committee Chair, citizens are invited to make comments to the Committee, under the following procedures: Committee members should not be expected to discuss issues presented at this time; citizens' comments limited to 2 minutes each; in the event public comments exceed 15 minutes, the Committee will continue with the regular agenda and resume public comment after the Committee business has been completed, public comments on specific personnel matters are not an appropriate subject for this forum and should be referred to the Village Office; any comments which may violate an individual right of an employee will not be permitted.

Comments from Village Attorney are as follows –

June 1, 2023: Transcribed from the recording of Personnel & Policy Committee

Village Attorney Eric Larson of Municipal Law & Litigation Group, Advising How to proceed with processing applications, resumes for interviews for the job of Village Clerk position.

Attorney Larson - So, I think it is important to be aware that State law gives applicants certain confidentiality rights regarding their application. The law says every applicant for position any authority may indicate in writing to the authority that the applicant does not wish that the authority does not reveal his or her identity. The word authority is talking about public authority, like the Village. Except with respect to an applicant whose name is certified to an appointment to a position for a State classified service or a final candidate. If an applicant makes such an indication in writing the authority shall not provide access to any record relating to the identity of the applicant. The idea of this law is that people put in their applications while a lot of them still have other jobs and if their employer knows they are applying for something else, it could affect their current job, and the State has decided that they we don't want to put that kind of pressure on people in the public sector. In the private sector it really is not an issue, they can just keep it private and nobody is the wiser. In the public sector you have the public records law and so it does become subject to the open records law. Except that there are exceptions to the law and one of those exceptions is they have a right to claim confidentiality, So my recommendation is due to the public records law you treat them all confidentially. Don't start spreading the word about people who have applied; let's hold that close to the vest until we get to the point where we are interviewing final candidates, dealing with final candidates that's what statute says. When dealing with final candidates the public has a right to know who is a final candidate and that is defined, and I could read the definition, but it is kind of long and part of it is that when you are down to 5, they consider them to be final candidates or when it whittle down to what is left, those are the final candidates. Trustee Hall asked – is that pre-interview, post interview, any it doesn't matter as long as it narrow down to 5 candidates? Attorney Larson – yeah if you have narrow it down to 5, the State law considers that – final candidates. Trustee Hall - regardless if we have interviewed them or not. Attorney Larson - There are a few other caveats: 1 – you are a committee, you are not the full board, what do you do with trustees that are not on the committee can they see the stuff or not and my advice is the law is that public officials have no larger rights than the general public to public records. The records are here as they are, they stay here and should not be disclosed to anyone else the records, because for the same reason I just described, they don't have any larger right or access to public records than any other public official. They can make a records request and we can consider the records request and analyze it under the public records law, but again there is this confidentiality that the law assumes. The same kind of analyzes applies to whatever happens in closed session, and your agenda to go into closed session, so when you are in closed session whatever happens there is meant to be closed, it is not meant to be disseminated out of closed session, the reason the law allows you to go into closed session in this case is because you are dealing with personnel records, you are dealing with potential candidates who may or may not have claim the statutory right of confidentiality and so

the they should be treated confidentially. Now it is a little bit different for sitting trustees in your closed meetings, there is a statute that says, a member of a governing body has the right to attend closed sessions of a sub unit of the governing body and you are a sub unit of the governing body, so if you have trustees that want to be here, they can be here in closed session, but they don't have rights to get these documents. Then what happens to that information that is discussed, it needs to stay confidential. There is a body of law that says information of the body belongs to the body – not to the individual members. If the body says we are going to let the public know about this, until that happens it is the body's information. So yeah if you make a motion and pass it to release the information, then it is released. Until you do that it stays here. Trustee Hall – When you say “you/they” do you mean “board”? Attorney Larson – Well first of all I mean this body (personnel & policy committee) whatever happens in closed session here, you have to make the decision to release what happened in your discussion. I think generally you wouldn't when you are talking about personnel issues you try to protect the individual who is applying or for whatever the issue maybe that you are dealing with at the time is usually private for a reason. So that is what I have. Trustee Hall – do you, is that all in an email you could forward to us by chance or which is all awesome information for when we get some personnel issues. Trustee Heinz-Taylor – I think the committee should have a copy, myself included. Attorney Larson – Sure. Trustee Hall – and does that actually state the statutes that you referring to? Attorney Larson – Yes, I can. Trustee Hall – if you don't mind forwarding that at this time. Trustee Heintz-Taylor – I don't know if there is anyone in the office who could use the copy machine. Trustee Hall – I can use the copy machine. Trustee Heintz-Taylor – if it is appropriate could I get you to make three copies and then you could take your original back with you. Trustee Heinz-Taylor – Attorney Larson I need to ask some questions. Trustee Hall do you have any questions? No Trustee Rewasiewicz do you have any questions? No. At this stage in the review process or certain process, does the statute governing the distribution of such applications and associated committee materials require the distribution to non committee members? So the committee is acting appropriately at this stage? Could you/did you refer to the statute that is governing this- is that in here? Not the open records but the one you are saying privacy and confidentiality, is that 19.36? Every applicant for a position with the authority is that the 19.36? Attorney Larson – yep. Trustee Heintz-Taylor – so that is 1936 and I think you answered this, I know you answered this, but I am just asking this again – If a non-committee member be a board member or a citizen wishes to receive such information, resumes or whatever else, at this time and stage in the process, what is the procedure they could follow? Attorney Larson – the procedure they could follow – is they could make a records request, a written records request and they can address it to the appropriate person, which would be you as the chair and then you analyze the request and under the public records law there are a number of factors that go into the release and including a balance test. If you are going to denied the request for the reasons I have discussed, They are entitled to a written response and I would be happy to help you with that. It is important that the law is followed. The process is statutory. Trustee Hall – I am sorry to interrupt you, very basic question – what is the timeframe for which a response is required? Attorney Larson – the statute says as soon as practicable without delay. The rule of thumb is within ten days. Trustee Hall – 10 days? That's practicable, 10 days. Trustee Heinz-Taylor -and you also answered this one, but I would just like for you to hit it again. Are closed session committee meetings an opportunity for non-committee board members to simply listen or do they have as much input during those closed sessions as do the committee members? Attorney Larson – They have, well let see what the statute says. Trustee Heintz-Taylor -are they just listening? Are they a self-appointed committee member? Attorney Larson – They have the right, what the statute says – as I recall, but I am going to check the statute Trustee Heintz-Taylor – what statute are you referring to? Attorney Larson – I will tell you that in a minute, it is in chapter 19, but it is not 19.36. Trustee Heintz-Taylor – I thought you said something like – they were not entitled to the documents. Attorney Larson – 19.89, it says, no duly elected or appointed member may be excluded from any meeting of such body, unless the rules of the governmental body provides to the contrary no member of the body may be excluded from any meeting of the sub unit of that governmental body. So it just says that they cannot be excluded, it does give them any right to the records. Trustee Heintz-Taylor – it does not give them any right to participate, but they can be there to listen. Trustee Hall – but it does not give them any right to not participate either right? Unless it is in the statute. Attorney Larson – The issue, there is the deciding officer controls the procedures and procedures might be that only the committee members of the committee may speak, and that might be the way operate or might be the way operate in that meeting. The presiding officer gets to decide that. Trustee Hall – That is good to know. Should that be stated at the beginning or apart of the agenda-during closed session only committee members shall you know like some wording on the agenda? Attorney Larson – I mean if you think there is going to be an issue with it, then yea you can put it right on the agenda,

but you can also just announce it at the meeting, Trustee Heintz-Taylor – could you come up with some wording and furnish me with that? Attorney Larson – Yes – for something to show on the agenda? Trustee Heintz-Taylor – yes – some sentence that shows what you said that only members of the committee may input during the meeting during closed session. I do provide for public comment for all of my committee meetings. I understand the on going battle on how do we know what to public comment on in the beginning, what have you. There does need to be a time for the committee to do their work and I think I need to maintain that time for the committee to work the task for which they have been assigned. Attorney Larson – is it okay if I just write it out for you? Trustee Heintz-Taylor – yea that is just fine. End of Attorney Larson comments to the committee.

In her email sent June 01, 2023, 8:00 a.m. Trustee Pellegrino states: “Please ensure I have copies to review as I will be attending your meeting this evening.” Trustee Pellegrino did not attend the meeting this evening to receive information or to reasons from Village Attorney Larson, denying her request, therefore this request is considered closed.

4. Discussion and/or Action: Approval of the February 27, 2023 and May 8, 2023 meeting minutes.
Motion by Frank Rewasiewicz and second by Deborah Hall to approve the minutes of February 27, 2023 & May 8, 2023. Motion carried.
5. Discussion and/or Action: Motion to go into closed session pursuant to Wi Statute SS 19.85(1) (c) for considering employment, promotion, compensation or performance evaluation data of any public employee over which the government body has jurisdiction or exercises responsibility; specifically to recommend hiring a Clerk/Treasurer candidate. Roll Call Vote:
Motion by Deborah Hall, seconded by Frank Rewasiewicz to go into closed session. Roll call vote – John Heintz Taylor – Aye, Deborah Hall – Yes and Frank Rewasiewicz – Yes. Went into closed session 5:35 p.m.
6. Motion to reconvene into open session **Motion by Deborah Hall to reconvene into open session second Frank Rewasiewicz. Went into open session 6:35 p.m.**
7. Deborah Hall to compose an email to send to those candidates that were not selected. Rewasiewicz to contact those candidates that were not selected and make interview applications.
8. Discussion and/ or Action: Next Meeting Date.
June 15, 2023 5:00 p.m. -8:00 p.m. ½ hour interviews; June 19, 2023 5:00 p.m – 8:00 p.m. ½ hour interviews; June 22, 2023 5:00 p.m. – 8:00 p.m. review interviewees. Alternate interview opportunity and review any applications received between June 1 – 22, 2023. June 29, 2023 5:00 p.m. 6:00 p.m. review interviewees.
9. Motion to Adjourn.
Motion by Frank Rewasiewicz, second by Deborah Hall to adjourn the Personnel & Policy meeting at 7:00 p.m. Motion carried.

Minutes Respectfully submitted
John Heintz Taylor, Chair