

RESOLUTION NO. ____ - 2019

RESOLUTION [APPROVING/DISAPPROVING] LITIGATION SETTLEMENT

Background: On November 3, 2017, the Baraboo News Republic newspaper filed suit against Sauk County seeking access to records the County declined to release. On November 8, 2017, County staff notified an agent for Wisconsin County Mutual Insurance Corporation of the suit. On November 13, 2017, the insurance company agent directed attorneys from the Axley-Brynelson law firm to defend the County against the claims. Between November 13, 2017 and September 14, 2018, the Axley attorneys led the County defense through a variety of activities, including a summary judgment hearing on September 14, 2018. On December 14, 2018, Circuit Court Judge Mark Slate issued a decision based on the September summary judgment hearing and ruled for the newspaper and against the County on certain contested issues. On December 21, 2018, based on insurance defense counsel recommendations, the insurance company, through its representative, stated it would move forward with an interlocutory appeal and did not object to discussions with the newspaper to determine how much of the litigation might be resolved without further legal proceedings. On January 9, 2019, the County and newspaper met to discuss the litigation. Both sides reached tentative agreement on steps to resolve the records requests that all participants acknowledged would require submission to and approval by the full Sauk County Board. The remaining issue, newspaper attorney fees, was also discussed but is unresolved (a fee reduction was achieved subject to County Board approval) and, if settlement without further litigation is desired, County Board direction and approval is necessary for all litigation issues, including attorney fees.

Fiscal Impact: ☐ None ☐ Budgeted Expenditure ☐ Not Budgeted

NOW, THEREFORE, BE IT RESOLVED, by the Sauk County Board of Supervisors, met in regular session, that settlement of the pending litigation between the Baraboo News Republic and Sauk County is

[disapproved.]

[approved in accordance within the parameters provided to the County Board Chair, Administrative Coordinator and Corporation Counsel.]

For consideration by the Sauk County Board of Supervisors on February 19, 2019.

Respectfully submitted,

SAUK COUNTY BOARD COMMITTEE OF THE WHOLE

PETER VEDRO, Chair

WILLIAM HAMBRECHT, Vice Chair

Fiscal Note: Potential fiscal impact.

MIS Note: No information systems impact