

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. Since then, the County and newspaper have 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, is unresolved 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

[rejected and defense litigation, retroactive to November 13, 2017, is authorized]

[approved and the County Board Chair is authorized to execute a settlement agreement on behalf of Sauk County in accordance with the approved terms]

For consideration by the Sauk County Board of Supervisors on April 16, 2019.

Respectfully submitted,

EXECUTIVE & LEGISLATIVE COMMITTEE

PETER VEDRO, Chair

WILLIAM HAMBRECHT

WALLY CZUPRYNKO

THOMAS KRIEGL

DAVID RIEK

Fiscal Note: Two potential fiscal impacts:

- 1) If approving the settlement: \$10,000 shall be paid by Wisconsin County Mutual Insurance Corporation and \$35,000 shall be paid by the Sauk County Insurance Fund.
- 2) If rejecting the settlement: There is no immediate fiscal impact.

MIS Note: No information systems impact