

# A Better Mount Pleasant

## FOR IMMEDIATE RELEASE

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### DOJ VALIDATES CONCERNS REGARDING MOUNT PLEASANT OPEN MEETINGS AND FREE SPEECH VIOLATIONS

***“Community group files complaint for censoring residents living in Foxconn area at two public meetings.”***

**MT. PLEASANT, WI JULY 16, 2018** - During a publicly noticed meeting of the Mt. Pleasant Community Development Authority (CDA) on April 17, 2018, village residents were prevented from speaking during public comment about the redevelopment plan for Foxconn, the only item on the agenda and one which affects the land and homes where these same residents live.

When the public comment period began, CDA Chairman Rob Richardson announced that no public comments would be heard regarding items listed on the meeting agenda. Richardson asked each of the dozen or more residents who had signed up to speak (by filling out forms provided by the village which said they could speak on “any item”) if they had something to say about a subject NOT on the agenda.

Visibly confused and upset, members of the public challenged Richardson’s actions, saying he could not restrict what people had to say in a publicly noticed public comment period. Richardson replied that he had been “told” he could. Chairman Richardson continued to restrict comment topics in spite of challenges by the public.

“I have never seen anything like it in a public meeting. Governmental bodies are warned not to engage in discussions during public comment about items not on the agenda,” says Kelly Gallaher, spokesperson for the local grassroots organization A Better Mt. Pleasant. “This was the exact opposite. They were trying to stop the public from commenting about things they were preparing to debate.”

A Better Mt. Pleasant wrote to Mt. Pleasant Village Administrator Maureen Murphy the following day to express concern and ask under what authority did Mr. Richardson have to restrict the topic on which the public wished to speak.

“We received a reply the next day from Chris Smith, the newly hired village attorney. He said that since governmental bodies in Wisconsin are not required to have a public comment period, the actions of the CDA Chairman were appropriate and legal.” Gallaher says, “Mr. Smith’s opinion was not just disappointing, we felt it was wholly incorrect.”

On May 9, 2018, in the next CDA meeting, the chairman did it again. When the public comment period began, Mr. Richardson and special village legal counsel, Alan Marcuvitz, announced the CDA would hear no comments regarding items listed on the meeting agenda. Any such comments would be ruled out of order.

“Chairman Richardson read through the list of people who signed up to speak and asked each of them if they had something to say about topics not on the agenda. It was a nauseating display - with the village president sitting right beside him,” Gallaher said. “They were violating the free speech of their own neighbors - again - and not a single member of the CDA spoke up in opposition.”

On behalf of A Better Mt. Pleasant, Gallaher filed a formal request for opinion with the Wisconsin Office of Open Government and collaborated with Wisconsin State Representative Peter Barca, who contacted Attorney General Brad Schimel for guidance.

On July 13, 2018 the Department of Justice forwarded their guidance to Rep. Barca, Village Attorney Smith and the Mt. Pleasant CDA.

The DOJ guidance said the actions of the CDA do not appear to comport with the policies of the open meetings law, that governmental bodies are to receive information from the public on any item during publicly noticed public comment periods, and, most importantly, governmental bodies who act to restrict topics offered by the public in public meetings may face First Amendment liability damages.

“The CDA was wrong. The village attorney was wrong,” says Gallaher. “It took months of correspondence and research, the actions of a state representative and the attorney general’s office, to tell the Village of Mt. Pleasant what any reasonable person already knew - they were illegally and inappropriately trying to censor the public. They failed at every level of public responsibility and duty.”

On Monday, July 16, 2018, Kelly Gallaher filed a formal municipal complaint with the village on behalf of A Better Mt. Pleasant.

“The DOJ guidance made it very clear it is unlikely the actions of Mt. Pleasant would be upheld in a court of law or by the Attorney General, but village officials were cautioned against restricting public comment about agenda items during a publicly noticed comment period,” Gallaher continued. “We expect a formal apology to the residents who had the right to speak and were denied. We also expect change.”

“Mt. Pleasant has an embarrassing history of violating state policies on meeting notifications, failing to approve and publish minutes of official actions, and operating with little to no accountability. This behavior must end. We are absolutely willing to take this village to court in order to bring about real institutional change.” Gallaher concludes, “it’s their choice, they can continue to be an embarrassing example of how local government should not work or they can learn to be better.”

A Better Mt. Pleasant is a nonpartisan, community organization dedicated to advancing a fair, accountable and transparent local government in Mount Pleasant, Wisconsin.

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#### ADDITIONAL INFORMATION

Department of Justice Guidance - July 2018

<https://files.acrobat.com/a/preview/b8df6b04-497c-4d7c-b346-bfbb05d85cc3>

CDA Municipal Complaint - July 2018

<https://files.acrobat.com/a/preview/e8a23e74-390b-45f2-9b23-867683edbbe7>

Press Release: Village of Mt. Pleasant to certify blight resolution in illegal meeting

[http://www.thewheelerreport.com/wheeler\\_docs/files/0619abmp.pdf](http://www.thewheelerreport.com/wheeler_docs/files/0619abmp.pdf)

Press Release: Mount Pleasant Village Officials Threaten and Censor Foxconn Area Residents

<https://files.acrobat.com/a/preview/54b9bc62-276a-4b7a-910a-5a67158730f7>