District Attorney Zeke Wiedenfeld

Enclosed, please find my Verified Open Meetings Law Complaint based on the City of Lake Geneva Resolution 20-R43 Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency.

The City of Lake Geneva is charging for parking, opened businesses, opened the beach, Public Works is keeping the city looking as it should and at least one member of the council is participating in protests in front of City Hall. All of this, yet the doors to our local government remained locked and our elected officials hide behind cameras and do not allow public access to our own governing body.

The time has come for this to end. The Supreme Court of Wisconsin ended the lockdown and the Governor's original order has long since expired, yet city hall and city government are left locked down to the public that elected them.

There is no legal basis to keep the people away from their government. I have notified the Mayor, City Council and City Attorney that I would be filing this complaint of the Emergency Order stated above was not rescinded. City of Lake Geneva elected officials are denying us full access to our government and its resources. In violation of Open Meeting Laws.

Respectfully,

Robert P. Kordus Jr.
320 S. Boulder Ridge Drive
Lake Geneva, WI 53147
414-916-9663

VERIFIED OPEN MEETINGS LAW COMPLAINT

Now comes the complainant Robert P. Kordus Jr.and as and for a verified complaint

pursuant to Wis. Stat. §§ 19.96 and 19.97, alleges and complains as follows:

1. That he is a resident of the City of Lake Geneva, Wisconsin, and that his Post Office Address is 320 S Boulder Ridge Drive, in the City of Lake Geneva, Wisconsin 53147.

2. That Mayor Charlene Klein, whose Post Office Address is 817 Wisconsin Street, Lake Geneva, WI 53147 was on the 8th day of June, 2020, a chief presiding officer of the Lake Geneva City Council and that such council is a governmental body within the meaning of Wis. Stat. § 19.82(1). And

That First District Alderman Shari Straube, whose Post Office Address is 1014 Wisconsin Street, Lake Geneva, WI 53147 was on the 8th day of June, 2020 , a member of the Lake Geneva City Council and that such council is a governmental body within the meaning of Wis. Stat. § 19.82(1). And

That First District Alderman Joan Yunker, whose Post Office Address is 101 Broad Street #502, Lake Geneva, WI 53147 was on the 8th day of June, 2020 , a member of the Lake Geneva City Council and that such council is a governmental body within the meaning of Wis. Stat. § 19.82(1). And

That Second District Alderman John Halverson, whose Post Office Address is 1159 S. Wells Apt 7, Lake Geneva, WI 53147 was on the 8th day of June, 2020 , a member of the Lake Geneva City Council and that such council is a governmental body within the meaning of Wis. Stat. § 19.82(1). And

That Second Second District Alderman Mary Jo Fesenmaier, whose Post Office Address is 1085 S Lake Shore Drive, Lake Geneva, WI 53147 was on the 8th day of June, 2020 , a member of the Lake Geneva City Council and that such council is a governmental body within the meaning of Wis. Stat. § 19.82(1). And

That Third District Alderman Richard Hedlund, whose Post Office Address is 368 S. Stone Ridge Drive, Lake Geneva, WI 53147 was on the 8th day of June, 2020 , a member of the Lake Geneva City Council and that such council is a governmental body within the meaning of Wis. Stat. § 19.82(1). And

That Third District Alderman Tim Dunn, whose Post Office Address is 499 Manning Way, Lake Geneva, WI 53147 was on the 8th day of June, 2020 , a member of the Lake Geneva City Council and that such council is a governmental body within the meaning of Wis. Stat. § 19.82(1). And

That Fourth District Alderman Ken Howell, whose Post Office Address is 1029 Park Row, Lake Geneva, WI 53147 was on the 8th day of June, 2020 , a member of the Lake Geneva City Council and that such council is a governmental body within the meaning of Wis. Stat. § 19.82(1). And

That Fourth District Alderman Cindy Flower, whose Post Office Address is 533 Haskins Street, Lake Geneva, WI 53147 was on the 8th day of June, 2020 , a member of the Lake Geneva City Council and that such council is a governmental body within the meaning of Wis. Stat. § 19.82(1).

3. That Mayor Charlene Klein on the 8th day of June, 2020 , in the County of Walworth, Wisconsin, knowingly attended a meeting of said governmental body held in violation of Wis. Stat. § 19.96 and Sec. 2-38 Meetings, Code 1992, § 2.02; Ord. No. 98-13, § I, 12-14-1998, Items (a) and (b) of the City of Lake Geneva Municipal Code, or otherwise violated those sections in that the meeting was held in a location other than City Hall as stated in the above mentioned Municipal Code and without giving in person access to the citizens of Lake Geneva pursuant to Resolution 20-R43 (Resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency) . All City meetings will be conducted virtually. The public will be able to access and observe all meetings by the communications and technology made available and posted by the City Clerk in the agendas for such meetings. **The public will not be allowed into City Hall for meetings until the State of Emergency expires, is rescinded or altered by future proclamations by state, county or municipal authorities.** This order has been in place since the Governors "Safer at Home" of which the extension was struck down by the Supreme Court of Wisconsin and the Emergency Order has since expired. This Proclamation shall take effect immediately (June 8, 2020) and shall continue in effect until June 30th, 2020 at 11:59 p.m. or such earlier time as a quorum of the Governing Body convenes and rescinds or alters the Proclamation. And

That First District Alderman Shari Straube on the 8th day of June, 2020 , in the County of Walworth, Wisconsin, knowingly attended a meeting of said governmental body held in violation of Wis. Stat. § 19.96 and Sec. 2-38 Meetings, Code 1992, § 2.02; Ord. No. 98-13, § I, 12-14-1998, Items (a) and (b) of the City of Lake Geneva Municipal Code, or otherwise violated those sections in that the meeting was held in a location other than City Hall as stated in the above mentioned Municipal Code and without giving in person access to the citizens of Lake Geneva pursuant to Resolution 20-R43 (Resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency) . All City meetings will be conducted virtually. The public will be able to access and observe all meetings by the communications and technology made available and posted by the City Clerk in the agendas for such meetings. **The public will not be allowed into City Hall for meetings until the State of Emergency expires, is rescinded or altered by future proclamations by state, county or municipal authorities.** This order has been in place since the Governors "Safer at Home" of which the extension was struck down by the Supreme Court

of Wisconsin and the Emergency Order has since expired. This Proclamation shall take effect immediately (June 8, 2020) and shall continue in effect until June 30th, 2020 at 11:59 p.m. or such earlier time as a quorum of the Governing Body convenes and rescinds or alters the Proclamation. And

That First District Alderman Joan Yunker on the 8th day of June, 2020 , in the County of Walworth, Wisconsin, knowingly attended a meeting of said governmental body held in violation of Wis. Stat. § 19.96 and Sec. 2-38 Meetings, Code 1992, § 2.02; Ord. No. 98-13, § I, 12-14-1998, Items (a) and (b) of the City of Lake Geneva Municipal Code, or otherwise violated those sections in that the meeting was held in a location other than City Hall as stated in the above mentioned Municipal Code and without giving in person access to the citizens of Lake Geneva pursuant to Resolution 20-R43 (Resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency) . All City meetings will be conducted virtually. The public will be able to access and observe all meetings by the communications and technology made available and posted by the City Clerk in the agendas for such meetings. **The public will not be allowed into City Hall for meetings until the State of Emergency expires, is rescinded or altered by future proclamations by state, county or municipal authorities.** This order has been in place since the Governors "Safer at Home" of which the extension was struck down by the Supreme Court of Wisconsin and the Emergency Order has since expired. This Proclamation shall take effect immediately (June 8, 2020) and shall continue in effect until June 30th, 2020 at 11:59 p.m. or such earlier time as a quorum of the Governing Body convenes and rescinds or alters the Proclamation. And

That Second District Alderman John Halverson on the 8th day of June, 2020 , in the County of Walworth, Wisconsin, knowingly attended a meeting of said governmental body held in violation of Wis. Stat. § 19.96 and Sec. 2-38 Meetings, Code 1992, § 2.02; Ord. No. 98-13, § I, 12-14-1998, Items (a) and (b) of the City of Lake Geneva Municipal Code, or otherwise violated those sections in that the meeting was held in a location other than City Hall as stated in the above mentioned Municipal Code and without giving in person access to the citizens of Lake Geneva pursuant to Resolution 20-R43 (Resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency) . All City meetings will be conducted virtually. The public will be able to access and observe all meetings by the communications and technology made available and posted by the City Clerk in the agendas for such meetings. **The public will not be allowed into City Hall for meetings until the State of Emergency expires, is rescinded or altered by future proclamations by state, county or municipal authorities.** This order has been in place since the Governors "Safer at Home" of which the extension was struck down by the Supreme Court of Wisconsin and the Emergency Order has since expired. This Proclamation shall take effect immediately (June 8, 2020) and shall continue in effect until June 30th, 2020 at 11:59 p.m. or

such earlier time as a quorum of the Governing Body convenes and rescinds or alters the Proclamation. And

That Second District Alderman Mary Jo Fesenmaier on the 8th day of June, 2020 , in the County of Walworth, Wisconsin, knowingly attended a meeting of said governmental body held in violation of Wis. Stat. § 19.96 and Sec. 2-38 Meetings, Code 1992, § 2.02; Ord. No. 98-13, § I, 12-14-1998, Items (a) and (b) of the City of Lake Geneva Municipal Code, or otherwise violated those sections in that the meeting was held in a location other than City Hall as stated in the above mentioned Municipal Code and without giving in person access to the citizens of Lake Geneva pursuant to Resolution 20-R43 (Resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency) . All City meetings will be conducted virtually. The public will be able to access and observe all meetings by the communications and technology made available and posted by the City Clerk in the agendas for such meetings. **The public will not be allowed into City Hall for meetings until the State of Emergency expires, is rescinded or altered by future proclamations by state, county or municipal authorities.** This order has been in place since the Governors "Safer at Home" of which the extension was struck down by the Supreme Court of Wisconsin and the Emergency Order has since expired. This Proclamation shall take effect immediately (June 8, 2020) and shall continue in effect until June 30th, 2020 at 11:59 p.m. or such earlier time as a quorum of the Governing Body convenes and rescinds or alters the Proclamation. And

That Third District Alderman Richard Hedlund on the 8th day of June, 2020 , in the County of Walworth, Wisconsin, knowingly attended a meeting of said governmental body held in violation of Wis. Stat. § 19.96 and Sec. 2-38 Meetings, Code 1992, § 2.02; Ord. No. 98-13, § I, 12-14-1998, Items (a) and (b) of the City of Lake Geneva Municipal Code, or otherwise violated those sections in that the meeting was held in a location other than City Hall as stated in the above mentioned Municipal Code and without giving in person access to the citizens of Lake Geneva pursuant to Resolution 20-R43 (Resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency) . All City meetings will be conducted virtually. The public will be able to access and observe all meetings by the communications and technology made available and posted by the City Clerk in the agendas for such meetings. **The public will not be allowed into City Hall for meetings until the State of Emergency expires, is rescinded or altered by future proclamations by state, county or municipal authorities.** This order has been in place since the Governors "Safer at Home" of which the extension was struck down by the Supreme Court of Wisconsin and the Emergency Order has since expired. This Proclamation shall take effect immediately (June 8, 2020) and shall continue in effect until June 30th, 2020 at 11:59 p.m. or such earlier time as a quorum of the Governing Body convenes and rescinds or alters the Proclamation. And

That Third District Alderman Tim Dunn on the 8th day of June, 2020 , in the County of Walworth, Wisconsin, knowingly attended a meeting of said governmental body held in violation of Wis. Stat. § 19.96 and Sec. 2-38 Meetings, Code 1992, § 2.02; Ord. No. 98-13, § I, 12-14-1998, Items (a) and (b) of the City of Lake Geneva Municipal Code, or otherwise violated those sections in that the meeting was held in a location other than City Hall as stated in the above mentioned Municipal Code and without giving in person access to the citizens of Lake Geneva pursuant to Resolution 20-R43 (Resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency) . All City meetings will be conducted virtually. The public will be able to access and observe all meetings by the communications and technology made available and posted by the City Clerk in the agendas for such meetings. **The public will not be allowed into City Hall for meetings until the State of Emergency expires, is rescinded or altered by future proclamations by state, county or municipal authorities.** This order has been in place since the Governors "Safer at Home" of which the extension was struck down by the Supreme Court of Wisconsin and the Emergency Order has since expired. This Proclamation shall take effect immediately (June 8, 2020) and shall continue in effect until June 30th, 2020 at 11:59 p.m. or such earlier time as a quorum of the Governing Body convenes and rescinds or alters the Proclamation. And

That Fourth District Alderman Ken Howell on the 8th day of June, 2020 , in the County of Walworth, Wisconsin, knowingly attended a meeting of said governmental body held in violation of Wis. Stat. § 19.96 and Sec. 2-38 Meetings, Code 1992, § 2.02; Ord. No. 98-13, § I, 12-14-1998, Items (a) and (b) of the City of Lake Geneva Municipal Code, or otherwise violated those sections in that the meeting was held in a location other than City Hall as stated in the above mentioned Municipal Code and without giving in person access to the citizens of Lake Geneva pursuant to Resolution 20-R43 (Resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency) . All City meetings will be conducted virtually. The public will be able to access and observe all meetings by the communications and technology made available and posted by the City Clerk in the agendas for such meetings. **The public will not be allowed into City Hall for meetings until the State of Emergency expires, is rescinded or altered by future proclamations by state, county or municipal authorities.** This order has been in place since the Governors "Safer at Home" of which the extension was struck down by the Supreme Court of Wisconsin and the Emergency Order has since expired. This Proclamation shall take effect immediately (June 8, 2020) and shall continue in effect until June 30th, 2020 at 11:59 p.m. or such earlier time as a quorum of the Governing Body convenes and rescinds or alters the Proclamation. And

That Fourth District Alderman Cindy Flower on the 8th day of June, 2020 , in the County of Walworth, Wisconsin, knowingly attended a meeting of said governmental body held in violation of Wis. Stat. § 19.96 and Sec. 2-38 Meetings, Code 1992, § 2.02; Ord. No. 98-13, § I,

12-14-1998, Items (a) and (b) of the City of Lake Geneva Municipal Code, or otherwise violated those sections in that the meeting was held in a location other than City Hall as stated in the above mentioned Municipal Code and without giving in person access to the citizens of Lake Geneva pursuant to Resolution 20-R43 (Resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency) . All City meetings will be conducted virtually. The public will be able to access and observe all meetings by the communications and technology made available and posted by the City Clerk in the agendas for such meetings. **The public will not be allowed into City Hall for meetings until the State of Emergency expires, is rescinded or altered by future proclamations by state, county or municipal authorities.** This order has been in place since the Governors "Safer at Home" of which the extension was struck down by the Supreme Court of Wisconsin and the Emergency Order has since expired. This Proclamation shall take effect immediately (June 8, 2020) and shall continue in effect until June 30th, 2020 at 11:59 p.m. or such earlier time as a quorum of the Governing Body convenes and rescinds or alters the Proclamation. And

4. That Mayor Charlene Klein is thereby subject to the penalties prescribed in Wis. Stat. § 19.96. And

That First District Alderman Shari Straube is thereby subject to the penalties prescribed in Wis. Stat. § 19.96. And

That First District Alderman Joan Yunker is thereby subject to the penalties prescribed in Wis. Stat. § 19.96. And

That Second District Alderman John Halverson is thereby subject to the penalties prescribed in Wis. Stat. § 19.96. And

That Second District Alderman Mary Jo Fesenmaier is thereby subject to the penalties prescribed in Wis. Stat. § 19.96. And

That Third District Alderman Richard Hedlund is thereby subject to the penalties prescribed in Wis. Stat. § 19.96. And

That Third District Alderman Tim Dunn is thereby subject to the penalties prescribed in Wis. Stat. § 19.96. And

That Fourth District Alderman Ken Howell is thereby subject to the penalties prescribed in Wis. Stat. § 19.96. And

That Fourth District Alderman Cindy Flower is thereby subject to the penalties prescribed in Wis. Stat. § 19.96.

6. That the following documentary evidence of said acts or omissions is available:

Resolution 20-R43, Resolution to ratify the Emergency Proclamation approved by the Chief Executive Officer Pertaining to the COVID-19 Pandemic and Declaration of Emergency

All City meetings will be conducted virtually. The public will be able to access and observe all meetings by the communications and technology made available and posted by the City Clerk in the agendas for such meetings. ***The public will not be allowed into City Hall for meetings until the State of Emergency expires, is rescinded or altered by future proclamations by state, county or municipal authorities. Wis. Stat. § 19.96 and Sec. 2-38***

Meetings, Code 1992, § 2.02; Ord. No. 98-13, § I, 12-14-1998, specifically Items (a) and (b) of the City of Lake Geneva Municipal Code

(a) *Open Meeting Law requirements. Notice of every meeting of the City Council, and every board, commission and committee of the Council, shall be given to the public, to those news media who have filed a written request for such notice, and to the official newspaper, or to a news medium likely to give notice in the area, at least 24 hours prior to commencement of the meeting. If such notice is impossible or impractical, shorter notice may be given for good cause shown, but in no case may notice be given less than two hours in advance of the meeting. Every public notice of a meeting shall contain the time, date, place and subject matter of the meeting.*

(b) *Regular and special meetings. Regular meetings of the City Council shall be held on the second and fourth Monday of each calendar month, at 6:00 p.m. Any regular meeting falling on a legal holiday shall be held on the next following secular day, at the same hour and place.* ***All meetings of the Council, including special and adjourned meetings, shall be held in the City Hall.*** *Special meetings may be called as provided by the state statutes. [Amended 1-23-2017 by Ord. No. 17-01]*

Wisconsin Open Meetings Compliance Guide

Wisconsin's open government laws promote democracy by ensuring that all state, regional and local governments conduct their business with transparency. Wisconsin citizens have a right to know how their government is spending their tax dollars and exercising the powers granted by the people

Agenda and Packet from the June 8, 2020 Meeting

Minutes from the June 8, 2020 Meeting

Vimeo online record of the meeting available at https://vimeo.com/lakegeneva

7. That this complaint is made to the District Attorney for Walworth County under the provisions of Wis. Stat. § 19.97, and that the district attorney may bring an action to recover the forfeiture provided in Wis. Stat § 19.96.

WHEREFORE, complainant prays that the District Attorney for Walworth County, Wisconsin, timely institute an action against Mayor Charlene Klein to recover the forfeiture provided in Wis. Stat. § 19.96, together with reasonable costs and disbursements as provided by law. And

complainant prays that the District Attorney for Walworth County, Wisconsin, timely institute an action against First District Alderman Shari Straube to recover the forfeiture provided in Wis. Stat. § 19.96, together with reasonable costs and disbursements as provided by law. And

complainant prays that the District Attorney for Walworth County, Wisconsin, timely institute an action against First District Alderman Joan Yunker to recover the forfeiture provided in Wis. Stat. § 19.96, together with reasonable costs and disbursements as provided by law. And

complainant prays that the District Attorney for Walworth County, Wisconsin, timely institute an action against Second District Alderman John Halverson to recover the forfeiture provided in Wis. Stat. § 19.96, together with reasonable costs and disbursements as provided by law. And

complainant prays that the District Attorney for Walworth County, Wisconsin, timely institute an action against Second District Alderman Mary Jo Fesenmaier to recover the forfeiture provided in Wis. Stat. § 19.96, together with reasonable costs and disbursements as provided by law. And

complainant prays that the District Attorney for Walworth County, Wisconsin, timely institute an action against Third District Alderman Richard Hedlund to recover the forfeiture provided in Wis. Stat. § 19.96, together with reasonable costs and disbursements as provided by law. And

complainant prays that the District Attorney for Walworth County, Wisconsin, timely institute an action against Third District Alderman Tim Dunn to recover the forfeiture provided in Wis. Stat. § 19.96, together with reasonable costs and disbursements as provided by law. And

complainant prays that the District Attorney for Walworth County, Wisconsin, timely institute an action against Fourth District Alderman Ken Howell to recover the forfeiture provided in Wis. Stat. § 19.96, together with reasonable costs and disbursements as provided by law. And

complainant prays that the District Attorney for Walworth County, Wisconsin, timely institute an action against Mayor Fourth District Alderman Cindy Flower to recover the forfeiture provided in Wis. Stat. § 19.96, together with reasonable costs and disbursements as provided by law.

STATE OF WISCONSIN, COUNTY OF WALWORTH

ROBERT P. KORDUS JR. being first duly sworn on oath deposes and says that he is the above-named complainant, that he has read the foregoing complaint and that, based on his knowledge, the contents of the complaint are true.

_____

Robert P. Kordus Jr.

COMPLAINANT

Subscribed and sworn to before me

this ____ day of _____, 20___.

_____

Notary Public, State of Wisconsin

My Commission: _____