

Board creates audit committee

By Jeff Brown
Reporter staff

The Rock-Koshkonong Lake District board of commissioners unanimously approved a proposal by chairman Brian Christianson to create a five-member audit committee at its quarterly meeting on Thursday, Dec. 19, held at the offices of Tallgrass Restoration LLC in Milton township. The committee will be made up of four electors of the district, including the district's treasurer, and a certified public accountant employed by an accounting firm chosen by the other four members of the committee.

Christianson told commissioners he envisions the committee meeting once for an orientation session with the district's lawyer, Bill O'Connor, then meeting one or two additional times during the course of the year with treasurer Ray Lunder to review the district's income and expenditures and help Lunder prepare an annual financial statement listing the income and expenditures. State law requires lake districts to conduct an annual audit and submit the results of the audit to the annual meeting of the electors.

Christianson's proposal comes four months after electors voted overwhelmingly at the district's annual meeting to take \$40,000 the board had earmarked for an in-depth audit of the district's finances and allocate it for legal fees likely to be incurred in 2014 as the district continues to do battle with the Department of Natural Resources over whether the water level on Lake Koshkonong should be raised.

The board had earmarked the \$40,000 after the town boards of Albion, Koshkonong, and Milton made a public records request seeking detailed financial information about the district's income and expenditures.

Albion town chairman Bob Venske and the town of Albion's lawyer said the information contained in the one-page financial statements posted on the district's website and mailed to electors each year failed to comply with the audit requirement established under state law for lake districts; Christianson and O'Connor maintain that the one-page financial statements satisfy the audit requirement.

At the annual meeting O'Connor, who advises other lake districts, said some lake districts rely on audit committees to oversee income and ex-

penditures, and an elector who stood up to speak in favor of reallocating the \$40,000 said he would be willing to serve on an audit committee.

Last month the town of Albion appealed to the district attorneys in Dane, Jefferson and Rock County (portions of the district lie in each county) and Attorney General J.B. Van Hollen, asking them to force the district to respond to the towns' public records request.

Christianson told the commissioners that none of the district attorneys have responded to the letter. He also said he spoke to Attorney General J.B. Van Hollen about the towns' public records request. Christianson said he told Van Hollen that Venske hunts ducks on land along Lake Koshkonong that's owned by Charles "Buck" Sweeney, a lawyer at Axley Brynleson, the same firm where the town of Albion's lawyer works.

Christianson also said he told Van Hollen that Sweeney represents the Lake Koshkonong Wetlands Association, one of several environmental and sporting groups that filed legal briefs in support of the DNR in the lawsuit over setting the water level on the lake.

"I don't think you have to look very far down the hallway at Axley Brynleson law firm to see what's really going on," said Christianson. "They just lost a state Supreme Court case, they're fearful of what the next steps are and they're trying to last out and invent issues where there are none."

The Wisconsin Supreme Court handed the lake district a major victory on July 16 when it ruled that the DNR erred by failing to consider economic impact evidence when setting the water level on Lake Koshkonong in 2005. The lake district argued for a higher water level, while environmental, sporting groups, and farmers argued for a lower water level. The court remanded the case to Rock County circuit court for further proceedings.

Christianson told commissioners those proceedings are on hold as of Dec. 17 because Rock County circuit court Judge Dan Dillon, who handles the original case, disclosed that his son filed a brief with the Supreme Court in support of the lake district in the water level dispute and offered to recuse himself unless none of the parties to the lawsuit object to him continuing to sit on the case.

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Christianson said O'Connor expects Sweeney to ask Judge Dillon to recuse himself, a move that would eat up time as a new judge is appointed and familiarizes himself or herself with the case, in an effort to drag the dispute out and hope electors grow weary of the eight-year fight and the legal fees necessary to see it through. To date the district has spent approximately \$800,000 on legal fees related to the water level dispute.

Christianson said once the issue of which circuit court judge is handling the case is resolved O'Connor plans to move for the case to be remanded back to the DNR for a new water level determination, because remanding the case to the administrative law judge to whom the district appealed after DNR set the water level in 2005 would be futile. "It's a kangaroo court," said Christianson of the administrative law judge. "It's a waste of time, it's a waste of money, and we will lose."

In other news, Christianson gave the commissioners an update on the district's dispute with the town of Sumner over the cost of repairing damage to North Shore Road, which the town claims was caused by trucks operated by Badgerland Excavating. The district says the damage was caused by normal wear and tear and a series of unusually intense freeze-and-thaw cycles last spring.

Last spring the district hired Bad-

gerland Excavating on a large experimental dredging project that deepened part of a bay on the eastern end of Lake Koshkonong where the Rock River flows into the lake. Crews from Badgerland also rebuilt the shoreline between Lake Koshkonong and Mud Lake, a marshy area adjacent to the lake that's home to pelicans and the largest northern pike hatchery on the lake.

This summer the district offered to pay the town of Sumner \$2,500 toward repairing the damage. The town refused that offer because it claims the damage amounts to \$11,000, and filed a lawsuit in Jefferson County circuit court seeking triple the amount of the road damage as allowed under state law. Christianson said earlier this month the court ruled in the district's favor on a procedural motion. He said if the case went to a jury trial, the district's legal fees might run to \$10,000.

Christianson said he's open to negotiating with the town over the dispute, but said the district shouldn't negotiate with itself by increasing the \$2,500 offer.

"Our legal counsel is pretty confident we will prevail," said Christianson. Moreover, said Christianson, "The towns are strapped." He was referring to the tenuous fiscal position of most townships in Wisconsin due to steep increases in road repair costs in recent years and a decades-long decline in state aid. "They probably won't take it to a jury trial," said Christianson.