

# Towns appeal to AG on lake district records

By Jeff Brown  
Reporter staff

A cold spell that sent overnight temperatures plunging into the 20s formed a thin layer of ice across ponds and creeks in the Edgerton area last week. Once winter hits, the lakes will be the next to freeze over: Mud Lake, Sweet Lake, Rice Lake, even Lake Koshkonong, which is two miles wide and five miles long but only seven feet deep.

A dispute between several town boards and the Rock-Koshkonong Lake District over access to the district's financial records, however, is headed for anything but a deep-freeze—it's heating up.

In May of last year, the Albion town board, joined by the Koshkonong and Milton town boards, sent a public records request to the district asking for detailed financial records from the last three years. The district refused to turn over any documents. Brian Christianson, chairman of the district's board of commissioners, said all of the financial records that state law requires lake districts to compile were available on the district's website.

Bryan Meyer, the Milton town

chairman, called on Christianson to release detailed financial information at the lake district's quarterly meeting on June 6. Five days later, Hank Stockwell presented the Fulton town board with a petition signed by 68 town residents calling on the lake district to conduct an in-depth audit of its financial records. On June 24, the lake district board held a special meeting and amended its proposed 2014 budget to include a \$40,000 line item for an in-depth audit.

At the lake district's annual meeting on Aug. 10, electors voted overwhelmingly to strip that item from the budget. They then approved a proposal to spend the money instead on legal costs related to the district's on-going fight with the state Department of Natural Resources over the department's order establishing the water level on Lake Koshkonong.

The lake district won a major victory in that fight, which has dragged on for eight years and cost half a million dollars, on July 16, when the Wisconsin Supreme Court ruled that the DNR impermissibly excluded evidence of economic impact when establishing the water level in 2005 and sent the case back to Rock County circuit court for further proceedings.

Some electors, each of whom pays a special charge on their property tax bills to fund the district's operation, think the lake district has spent too much money on the legal fight. And some electors, including duck hunters, farmers, and environmentalists, oppose a higher water level. Boaters and businesses around the lake support a higher level.

Now, the town of Albion's lawyer, Tim Fenner, has written a letter to Attorney General J.B. Van Hollen and the district attorneys of Rock, Dane, and Jefferson counties, the three counties in which Lake Koshkonong lies, requesting them to file a lawsuit asking a court to order the lake district to turn over its financial records.

Under the Wisconsin public records law, a government authority that receives a public records request must respond to a public records request "as soon as practicable without delay." If the authority denies access to the records, it must provide a "specific and sufficient" reason for the denial. If a requestor disagrees with an authority's decision to deny it access to the records, it may petition the district attorney or the Attorney General to sue the authority, or sue the

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authority for access to the records itself.

Fenner said he received a letter in response to the town's request last summer, but it was unsatisfactory. "I got a nasty letter saying all the information was available on the website. We didn't get answers to anything."

So far, said Fenner, none of the district attorneys have responded. "I don't think they're going to respond. I did get a call from the Attorney-General that they were looking at it."

If the district attorneys and the Attorney-General do nothing, the ball is in the towns' court. "The towns will have to make a decision as to whether they would like to pursue a direct enforcement," said Fenner.