

## Heather Boehm

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**From:** Sara Marquardt  
**Sent:** Monday, April 7, 2025 11:27 AM  
**To:** John Weidl; Taylor Zeinert  
**Subject:** FW: Opinion Needed-Time Sensitive

### ***Sara Marquardt***

HR Manager  
City of Whitewater  
Tel: 262-473-1387  
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**From:** Tim Brovold <tbrovold@russelllawwi.com>  
**Sent:** Monday, April 7, 2025 10:26 AM  
**To:** Sara Marquardt <smarquardt@whitewater-wi.gov>; Russell Law Offices <cityofwhitewater@russelllawwi.com>  
**Subject:** RE: Opinion Needed-Time Sensitive

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Sara

I am going to assume that the CDA and city knows that the law favors open meetings and transparency and that there are the 11 exceptions for closed sessions. I am also going to assume that the City understands that the notice and agenda must clearly state the reason for the closed session. Also, the meeting must start in open session, discussion on moving to closed session, vote, and then closed session. The meeting cannot end in closed session so a motion to move back to open session must be made and then the meeting can be called to be adjourned.

As for meeting in closed session for an exit interview, the answer is yes, sometimes a municipality to move to closed session for an exit interview. Wis. Stat. sec 19.85(1)(c) states :“(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.” This is where, if there is one, we would find an exception to move an exit interview into closed session.

It was stated in an attorney general opinion that “The language of section 19.85(1)(c) permits a governmental body to convene in closed session for the purpose of “[c]onsidering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.” The section refers to a public employee, as opposed to a position of public employment.”

Further, “(Closed Session Exception)...does not apply where personnel or management policies are discussed generally. The purpose of the exception is to protect a particular employee who is being considered or discussed and not to protect the public agency involved.... The mere fact that items of public policy or future

personnel relations are to be discussed is not a sufficient reason for a secret meeting. It is, in fact, a reason for holding an open meeting.”

These are key distinctions. The closed session cannot be used to employment in general. The items discussed must be specific to the ex-employee’s specific job performance, review, and personal information. If it is general in nature, then that should be saved and discussed in ‘open’ meeting.

Let me know if this answers your question.

Please let me know if I still need to return your call.



**Tim Brovold**

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**From:** Sara Marquardt <[smarquardt@whitewater-wi.gov](mailto:smarquardt@whitewater-wi.gov)>  
**Sent:** Monday, April 7, 2025 9:13 AM  
**To:** City of Whitewater <[cityofwhitewater@russelllawwi.com](mailto:cityofwhitewater@russelllawwi.com)>  
**Cc:** Tim Brovold <[tbrovold@russelllawwi.com](mailto:tbrovold@russelllawwi.com)>  
**Subject:** Opinion Needed-Time Sensitive  
**Importance:** High

Tim,

Our CDA is planning to hold a meeting tomorrow night to conduct an exit interview with our outgoing Economic Development Director. They had intended to move into closed session without a quorum, which we’ve since advised against. The question now is whether an exit interview qualifies for a closed session under the applicable exceptions.

Thank you,

**Sara Marquardt**

HR Manager

City of Whitewater

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