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Milton School Board will allow video recording at meetings and likely will record meetings, too.

By [Jake Magee](#)

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MILTON—The Milton School Board will allow residents to video record its meetings, and the school district will likely start recording the meetings, too, Milton School District Administrator Tim Schigur said.

The school board on Monday night [adjourned early](#) to prevent school district resident Lance Fena from video recording the meeting.

The school district has since consulted its attorney and learned the board must allow residents to video record meetings, Schigur said.

Halfway through Monday's meeting, Milton School Board member Rob Roy requested the camera be turned off because it made him uncomfortable and could change his behavior in the meeting. Fena refused, so the board adjourned its meeting.

Fena referred to state statute 19.90, which reads, "Whenever a governmental body holds a meeting in open session, the body shall make a reasonable effort to accommodate any person desiring to record, film or photograph the meeting. This section does not permit recording, filming or photographing such a meeting in a manner that interferes with the conduct of the meeting or the rights of the participants."

Schigur maintains both Fena and Roy were correct in their interpretation of the statute.

"Having someone video tape and having someone say that we're uncomfortable—both are right by the statute. Moving forward, we'll talk about how we want to handle that, but it's obviously the public's right to do it," Schigur said.

"We will allow it, but we will also allow adjourning early, if that's the case," he said.

Milton School Board President Jon Cruzan said the disruption Monday was because of the board's surprise at Fena showing up with a video camera. It would have been common courtesy for Fena to let the board know in advance he was planning to record so the board could prepare, he said.

The discomfort of school board members would not hold up in court as a reason to bar residents from video recording the board's meetings, an attorney for the state school board association told The Gazette.

Attorneys with the Wisconsin Department of Justice and the Wisconsin Association of School Boards said residents have the legal right to video record open meetings of government bodies, and they don't have to tell anyone why they're doing it.

Bill Lueders, president of the Wisconsin Freedom of Information Council, said the law is clear.

"The law requires citizens be able to make a tape. It doesn't matter what they want to use it for. It doesn't matter if the public officials like them," Lueders said.

"They need to get with the program. They can't be refusing to meet because a citizen wants to exercise a legal right. You know, deal with it," Lueders said.

Barry Forbes, Wisconsin Association of School Boards attorney, said residents can video record open meetings, and they don't have to say why they're doing it.

Paul Ferguson, assistant attorney general in the Wisconsin Department of Justice Office of Open Government, said a resident who makes a recording of a meeting can do with it what he wants, including editing clips and posting them online, even if they're taken out of context.

Ferguson compared recording an open meeting to an open records request. Officials are required to provide requested records regardless of what the requesting person intends to do with the information.

Ferguson's recommendation for someone who is uncomfortable being recorded in an open meeting is to not run for public office.

Roy said during the meeting that being recorded by a person Roy doesn't necessarily trust without knowing how the recording would be used made Roy uncomfortable, which interferes with his personal rights. Being recorded could change his behavior and therefore interfere with the meeting's conduct, Roy said.

Forbes said the definition of "interfere" is unclear in the statute, but Forbes doubts any judge or attorney general would rule that video recording interferes with a meeting's conduct or a board member's personal rights.

Interference would be if the camera was making loud noises or if the person filming was moving around the room distracting board members and the audience, Forbes said.

It was within Roy's rights to ask the camera be turned off, and it was within Fena's rights to decline, Forbes said.

Lueders doesn't see how a camera changing an official's behavior is a bad thing.

“My guess it does change people's behavior—for the better,” Lueders said.

Officials might be more careful in how they speak and conduct business if they know there will be a video record of what transpired, he said.

Schigur wants to talk to the school board to about how the district video recording meetings would work. The board could stream its meetings, allowing residents to watch live through the Internet, or it could record meetings and later post them on its website. The district is investigating if it has the equipment necessary to do either, Schigur said.

A Gazette survey of local governments indicates several--the Milton, Janesville, Whitewater, Delavan and Elkhorn city councils; the Janesville and Elkhorn school boards; and the Milton Town Board--record meetings and post them online or elsewhere.

“We learn something new every day,” Milton School District Communications Supervisor Jerry Schuetz said. “This is an opportunity to take a look at what we do, how we do it, why we do it. The board and Tim (will) have a discussion, and we hopefully get a little bit better than we were yesterday.”