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Milton School Board cuts meeting short to avoid being recorded by resident

By [Jake Magee](#)

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MILTON—The Milton School Board adjourned its meeting before finishing its agenda Monday night after a resident declined to stop video recording the proceedings.

Before the meeting, Milton School District resident Lance Fena set up a large video camera on a table pointed at where the school board would be sitting.

Fena is a vocal and active member of the community, often attending school board and Milton City Council meetings. He's expressed disapproval of how board meetings are conducted.

Before the meeting, Superintendent Tim Schigur told Fena, who was seated in the front row, he couldn't tape the meeting.

Fena asked why and invoked state statute 19.90, which states, "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."

"We don't video tape our meetings," Schigur said.

Fena requested the reason he's not allowed to record be written down and given to him before he turned off the camera. Schigur left the room.

The meeting was delayed 11 minutes as board President Jon Cruzan also left the room at Schigur's request. Both returned and began the meeting without asking Fena to turn off the camera.

Cruzan began the meeting by warning everyone a video camera not in the district's control was recording and that the board didn't know how the recording might be used.

The meeting had run almost an hour before board member Rob Roy voiced his concerns.

Roy said he was uncomfortable with the camera for several reasons. For one, Roy doesn't necessarily trust Fena, he said.

"Lance has the right to video tape if we knew why he was doing it, but because of the situation we've been in recently, I'm not comfortable that the video tape is just for his personal use so he can have a good record of what happened at the meeting," said Roy, speaking for himself after the meeting.

The "situation" Roy referred to is how the board has been "blasted" with "baseless" claims of being unethical, Roy said.

"... I guess as much as Lance and others in the community don't seem to trust the board, I don't necessarily trust Lance, either," Roy said, again speaking for himself.

People—including board members—change their behavior when they know they're being recorded, so the camera recording him interferes with the meeting's conduct, which isn't permitted under the statute, Roy said.

Roy didn't want the edited video to take out of context his comments or the comments of other board members, he said.

"I don't want to be on somebody's Facebook page as a political joke or an instance of some kind of twist of what I said clipped out used to make the district or the board or myself look bad," Roy said after the meeting.

Without naming Fena, Cruzan request the camera be turned off until the board could consult its attorney.

Fena told Roy the section of the statute about interfering with a meeting refers to walking around the room while recording or photographing. Fena didn't point the camera at the crowd but at elected board officials, he said.

"This is an open meeting. The open meetings law of Wisconsin says I can record without disturbing the proceeds," Fena said. "So no, as a board, you're going to have to tell me (why I can't record), and then I have the opportunity to seek legal action."

Fena and a couple board members went back and forth before Shelly Crull-Hanke made a motion to adjourn the meeting.

Board member Tom Westrick eventually asked Fena why he was recording. Fena said he believes board meeting minutes are incomplete or inconsistent, and Fena said he wants a recording of what happens.

Fena said he has no intention of sharing the videos publicly. He doesn't have the technical capability to edit them or post them on social media, he said.

"At this point, we don't really know what this video is going to be used for. Probably very benign purposes, but we don't know that," Cruzan said after the meeting.

Fena didn't tell anyone he was going to record the board meeting. Had the board or administration known ahead of time, officials would have had time to consult an attorney, Cruzan said.

Rock County Board, Janesville School Board and Milton City Council meetings are recorded, Fena explained.

Those are videotaped by those entities who made a decision to record their own meetings, Roy and Cruzan said. The Milton School Board hasn't made such a decision, but board members and others have brought up the idea before of recording meetings for those who can't attend.

Cruzan eventually asked Fena turn off the camera so the meeting could continue. Fena refused, and the board unanimously voted to adjourn.

Agenda items not addressed, including the process to replace resigned board member Janet Green, could be pushed to the board's next meeting or be taken up earlier at a special board meeting, Cruzan said.