

BURIAL SITES PRESERVATION BOARD**Draft Minutes of the State of Wisconsin Burial Sites Preservation Board****August 8, 2024****10:30 am to 1:00 pm****Hybrid (In person & virtual meeting)****I. Welcome and Call to Order (Board Chair, Jennifer Haas)**

Board chair Jennifer Haas called the meeting to order at 10:36am.

Introductions of all individuals present were made.

DOA Attorney Sarah Larson announced that Attorney John Whitney, DOJ, who represents the Burial Sites Preservation Board, was unable to attend today's meeting.

II. Roll Call, for Determination of Quorum (Board Secretary, Paul Reckner)

Present, In Person: Dr. Jennifer Haas, Dr. Amy Rosebrough, Amy Wyatt, Dr. Kathy Stevenson, Dr. Paul Reckner

Present, Virtual: George Christiansen, Dave Grignon

Absent: Sarah Thompson, Larry Plucinski

WHS Staff Present: Dr. Tyler Howe, Taylor Lambrigger, Kay Romanin, Dr. Daina Penkiunas

Guests, In Person: Attorney Sarah Larson (DOA), Judy Houston, Mark Houston

Guests, Virtual: Benjamin Neumann, Chris Allswede, Jeffrey Kloppenburg

Roll call indicated quorum was met, and the board moved to the next agenda item.

III. Approval of Agenda

Upon motion of George Christiansen, seconded by Kathy Stevenson to approve the agenda. No discussion. Passed.

IV. Approval of Minutes

Motion by George Christiansen, seconded by Kathy Stevenson, to approve June meeting minutes. Dr. Amy Rosebrough requested alterations to minutes to reformat and restyle. Dr. Kathy Stevenson found content to be fine but concurred on the draft format.

Dr. Amy Rosebrough suggested an amended motion, George Christiansen approved to amend the initial motion that Paul Reckner amend the style and formatting to meet past precedent. Passed.

V. Review of Eligible Disposition Decisions WHS Project #12-0916: Request to Disturb Catalogued Burial Site MI-0527/BMI-0076, Milwaukee County Grounds - Froedtert Tract #2.

Dr. Jennifer Haas recused herself and exited the meeting location. Dr. Amy Rosebrough was chosen as conditional chair for the remainder of the meeting.

Ms. Larson requested a short discussion and vote of the proposed recusal of the board secretary and Director's designee Paul Reckner.

Ms. Larson had a discussion with board counsel Thursday morning in advance of the meeting and discussed that there is nothing statutorily requiring the director's designee to recuse, as the designee is separate from the director's decision and thus has no conflict of interest.

Dr. Reckner acknowledged that he has not directly received counsel since Wednesday regarding a

recusal. Dr. Reckner affirmed that he had been left out of the entirety of the disposition decision process.

Discussion on whether Dr. Reckner should recuse commenced, including topics of the extent of recusal, if action could be taken if Dr. Reckner recused, and ongoing quorum issues.

Mr. Christiansen motioned that Dr. Reckner not recuse himself from this meeting, Dr. Stevenson seconded. Mr. Dave Grignon was muted with his camera off, and thus the board lost quorum. The board took a break from 11:15-11:20am.

At 11:20am, Dr. Rosebrough reconvened the meeting, however noted that Mr. Grignon had left the screen and quorum was still not met. By 11:25am Mr. Grignon returned and quorum was met, and the meeting moved forward.

Dr. Rosebrough brought back up Mr. Christiansen's motion to ask Dr. Reckner to not recuse from this agenda item, seconded by Dr. Stevenson, and brought it to a vote.

Mr. Christiansen, Dr. Stevenson, and Mr. Grignon voted in favor. None voted against. Mr. Reckner abstained. Mr. Reckner did not recuse from the agenda item.

Discussion on if the board should review the director's decision commenced. Topics included:

- 1) The statutory language surrounding what the board can do, specifically citing that the board *may* review and/or modify the decision.
- 2) Potentially seeking legal counsel to advise board duties
- 3) Questions to WHS staff regarding the timeline of events presented in the meeting exhibits

Board members asked how determination of priority of interest is made. WHS clarified that this happens under regulation that the board determine priority of interest of parties upon their application for inclusion. Confirmed that the board previously determined priority of interest prior to disposition activities. Dr. Rosebrough argued that is the heart of the argument – there was only one application at that higher priority of interest. Ms. Larson confirmed that all other legal issues outlined in requests are extraneous to that issue highlighted by Dr. Rosebrough. The only legal question present is if the director acted correctly under state statute to make their decision.

Mr. Christiansen motioned that the board review the director's decision. Dr. Stevenson seconded. Discussion regarding what constitutes a review and what legal matters were in the scope of the Burial Board, with the board concluding that the board must decide if the director followed statutory process in making a disposition decision. The board agreed that this was clearly the case. On a vote to review the director's decision:

In Favor of review: None

Opposed: Paul Reckner, Kathy Stevenson, George Christiansen, Dave Grignon

Abstain: None

Note that Dr. Haas recused previously and was not present for discussion or vote

The board unanimously opposed the motion to review the disposition decision. The board will not review the director's decision.

BURIAL SITES PRESERVATION BOARD

VI. Adjournment (*Acting Chair, Dr. Amy Rosebrough*)

Upon motion of Paul Reckner, seconded by Kathy Stevenson, Dr. Rosebrough adjourns the meeting at 12:15pm.