

PROCEEDINGS OF THE ROSEAU COUNTY BOARD OF COMMISSIONERS

May 26, 2010

The Board of Commissioners of Roseau County, Minnesota met in Special Session in the Courthouse in the City of Roseau, Minnesota on Wednesday, May 26, 2010 at 1:30 p.m.

CALL TO ORDER

The meeting was called to order at 1:30 p.m. by County Board Chairman Alan Johnston. The Pledge of Allegiance was recited. Commissioners present were, Alan Johnston, Jack Swanson, Mark Foldesi, and Russell Walker. Others present included Auditor Anne Grantiz, County Engineer Brian Ketring, County Coordinator Trish Klein, and MCIT attorney Paul Reuvers.

APPROVAL OF AGENDA

A motion to approve the agenda was made by Commissioner Swanson, seconded by Commissioner Walker, and carried unanimously.

CLOSED MEETING

MCIT Attorney Paul Reuvers met with the Board to discuss pending litigation related to a ditch cleaning project on Lateral 12 of SD No 72. Mr. Reuvers requested the Board close the meeting for this discussion. A motion was made by Commissioner Foldesi, seconded by Commissioner Walker, and carried unanimously to adopt the following resolution:

2010-05-05

WHEREAS, the Minnesota Open Meeting Law, Minn. Stat. § 13D.05, subd. 3(b) states that "meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege"; and

WHEREAS, Attorney Paul Reuvers has requested that the meeting be closed to discuss pending litigation; and

WHEREAS, it would be detrimental to the interests of the County for the Board to hold a public discussion regarding this matter where an opposing party or opposing attorney could listen to or be made aware of the County's positions; and

WHEREAS, there is an absolute need for the Board to obtain confidential legal advice regarding the pending litigation in order to maintain the attorney-client privilege;

NOW, THEREFORE, BE IT RESOLVED by the Roseau County Board of Commissioners as follows:

1. The County Board hereby closes this meeting based upon the attorney-client privilege pursuant to Minn. Stat. § 13D.05, subd. 3(b);

2. The specific subject to be discussed, pursuant to Minn. Stat. § 13D.01, subd. 3, is pending litigation with the Minnesota Center for Environmental Advocacy vs Roseau County, et al.

A motion was made by Commissioner Swanson, seconded by Commissioner Falk and carried unanimously to re-open the Special Board meeting.

The Special Board meeting reconvened at 2:15 pm. No action was taken.

Upon motion carried, the Board adjourned the regular meeting at 2:20 p.m. The next regular meeting of the Board is scheduled for June 8, 2010 at 8:30 a.m.

Attest:

Date: _____

Teresa Klein, Board Clerk
Roseau County, Minnesota

Alan Johnston, Chair
Board of County Commissioners
Roseau County, Minnesota