

**UNOFFICIAL MINUTES- SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
SPECIAL MEETING - Rick Anderson, et. al V. County of Lyon, et. al.
April 26, 2011**

Pledge of Allegiance to the Flag

9:00- Meeting was called to order by Chairman Fenske. Members present: Stensrud, Fenske, Ritter, Goodenow, County Administrator Stomberg,

Absent: Attorney Maes, County Auditor/Treasurer Van Overbeke, Commissioner Anderson

Member Stensrud introduced the following Resolution and moved its adoption:

RESOLUTION CLOSING BOARD MEETING

WHEREAS, the Minnesota Open Meeting Law, Minn. Stat. § 13D.05, subd. 2(b) states that “meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege”; and

WHEREAS, the County Board seeks to meet with its attorney to obtain advice regarding a pending lawsuit, Rick Anderson, et. al v. County of Lyon, et. al.; and

WHEREAS, it would be detrimental to the interests of the County for the County Board to hold a public discussion with its attorney regarding its legal position(s), strategy, etc., where an opposing party or opposing attorney could listen to or be made aware of the County’s positions; and

WHEREAS, it is in the best interest of the County for the Board to obtain legal advice in a confidential setting to maintain the attorney-client privilege.

BE IT RESOLVED by the Lyon County Board of Commissioners as follows:

1. The Board hereby closes based upon the attorney-client privilege pursuant to Minn. Stat. § 13D.05, subd. 3(b);
2. The specific subjects to be discussed, pursuant to Minn. Stat. § 13.01, subd. 3, are the claims raised in the above-referenced lawsuit, and the defenses and legal positions to be taken by the County.

The motion for the adoption of the foregoing Resolution was duly seconded by Ritter and upon a vote being taken thereon, the following voted in favor thereof:

Ritter, Goodenow, Fenske, Stensrud

and the following voted against the same: None

Whereupon said Resolution was declared duly passed and adopted.

(Resolution 21-11 on file in the County Administrator’s Office).

10:10 a.m. Ritter moved, seconded by Goodenow to come out of closed session. All voted in favor.

Fenske adjourned meeting until May 2, 2011.

Robert Fenske, Chairman

Attest: Loren Stomberg
Lyon County Administrator