



THE WISCONSIN OPEN MEETINGS LAW

Part 2

In Part 1 we began exploring the Open Meetings Law. In Part 2 we will conclude our review and more fully discuss how the law works.

A key element of the Open Meetings Law is the notice required prior to any meeting. There are two general requirements. First, the presiding officer or designee must communicate notice to the public. This is usually done by posting the notice on the municipality website and places likely to be seen by the general public (municipal notice boards), or by publication in some circumstances. In most cases the public notice is to be given at least 24 hours prior to commencement of the meeting.

Second, every public notice must set forth the time, date, place, and subject matter of the meeting. Each agenda item should appear on the notice.

The definition section of the statute is detailed and Wisconsin courts have interpreted the law broadly. A governing body is engaged in governmental business when its members gather simply to hear information on a matter within that body's realm of authority. The members need not actually discuss the matter or otherwise interact with one another to be engaged in governmental business.

The Open Meetings Law allows the governing body to go into closed session (without members of the public present) under certain circumstances. Most commonly, closed sessions involve personnel matters, competitive bid or bargaining issues, or conferences with legal counsel who will advise the governing body on litigation strategy.

The requirements of the Open Meetings Law may seem burdensome and legalistic—and in some instances socially awkward—but they make some sense. Put yourself in the shoes of a citizen who may feel differently than you do about an issue. That citizen would want, and should enjoy, equal notice of and access to a gathering of the members

of the governing body addressing that issue, and the opportunity to be heard at that gathering if public comment is permitted. The Open Meetings Law protects the right of each citizen to attend and observe open session meetings of governing bodies and to know in advance what will be discussed.

Meetings of governing bodies have both formal and informal aspects. The formal elements of public meetings are the most obvious. Each has its own parliamentary procedures. Each is a business meeting. Each is noticed in advance with an agenda.

On the other hand, even though no right exists under the Open Meetings Law for the public to speak or participate in a meeting, most governing bodies, including ours, try to make their meetings welcoming. In the appropriate time, place, or manner, governing bodies usually allow for and receive public comment.

That's our concise review. It sometimes appears to well-meaning reformers that a governing body's rules and procedures are erected to keep elected officials at arms-length from their constituents. But these rules and procedures are informed not by stuffiness or rigidity but by legal requirements. The notion, for instance, that municipalities could be stronger and government more inclusive if elected officials and residents would get together informally from time to time in a "town hall" setting to exchange ideas and information is not workable. The Open Meetings Law doesn't permit it.

When it comes to the Open Meetings Law, formality trumps familiarity in just about every case.

Douglas H. Frazer is a Fox Point resident and neighborhood contributor as well as the village president. The views expressed are his own and not necessarily those of the Village, the village board, other village board members, or Best Version Media, LLC.



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