

6

Quick Notes on Open Meetings and Public Records

NEW ALDER TRAINING
APRIL 13, 2011
CITY ATTORNEY MICHAEL P. MAY

Five Things to Know About the Open Meetings Law, Wis. Stats. §19.81, et seq.

1. Applies to “Government Bodies” which includes subunits and other formally constituted bodies.
2. Requires 24-hour notice of time, place and items to be considered at the meeting. City posting is to be done through the Clerk’s Office. Agenda should be specific. Cannot consider anything not on the agenda. City ordinances require that any meeting that does not have a quorum within 15 minutes of posted start time is to be adjourned without taking any action other than setting a new time to meet.
3. Closed meetings only for specified reasons, which normally must be noted on the agenda. Must be a roll call vote to go to closed session. Unless noticed, cannot return to open session for 24 hours.
4. A “meeting” is any gathering of quorum or negative quorum (see City Attorney Opinion #04-001), other than a chance social meeting.
5. Penalties: Forfeitures and possible invalidity of action. Call us if you have questions.

Five Things to Know About the Public Records Law, Wis. Stats. §19.31, et seq.

1. Presumption that all records are open. Must have a specific reason to deny access.
2. Record includes all items containing information related to your position, including emails, whether on City equipment or personal equipment. Drafts not shared with others and personal notes are not records.
3. Must respond to requests within a reasonable time, normally a few days.
4. Specific exceptions set forth in the statute and some developed by common law. Law sometimes requires notice to a person mentioned in the records.
5. Should coordinate all responses with the Office of the City Attorney.