



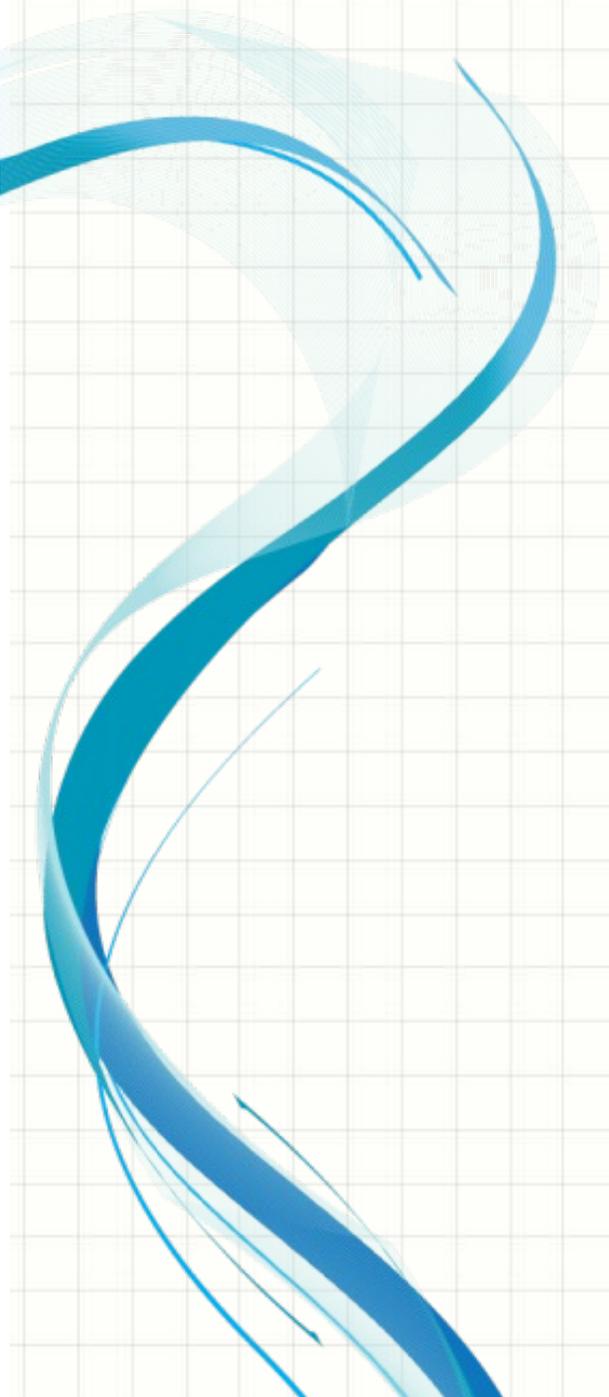
**PARLIAMENTARY PROCEDURE
MINUTES
AND
WISCONSIN OPEN MEETINGS LAW**

**Connie M. Deford,
Professional Registered
Parliamentarian**

Open Meetings & Minutes



- **Wisconsin Open Meetings Law**
- **Consent Agenda**
- **Business in Small Boards**
- **Minutes Information**
- **Meetings and Minutes Tips**



Wisconsin Open Meetings Law

Wisconsin Open Meetings Law

Defines:

- Governmental Body
- Meeting
- Meeting Notice Requirements
- Citizen Participation
- Rules Regarding Voting
- Minutes
- Closed Session and Exemptions
- Penalties

Governmental Body

State or local agency, board, commission, council, department or public body corporate, and politic

Created by:

Constitution, statute, ordinance, rule or order, or a governmental or quasi-governmental corporation

Includes numerically defined:

Subunits of a governmental body, created by a parent body and composed exclusively of its members—even if not a quorum of members

Or

A group of members and non-members advisory to the governmental body or its officials

Meeting

Convening of members for the purpose of exercising the responsibilities, authority, power, or duties delegated to or vested in the body

Includes telephone conference calls and may include electronic communications and walking quorums

When a quorum attends another public meeting to obtain information, both meetings must be noticed

Does not include social or chance gatherings

Meeting

Must satisfy two requirements:

1. There is a purpose to engage in governmental business—gathered to conduct that business or hear information on a particular matter.
2. The number of members present is sufficient to determine the body's course of action:
 - If a majority vote, one-half or more present,
 - If a two-thirds vote, more than one-third present,
 - If a three-fourths vote, more than one-fourth present.

Meeting Notice Requirements

Chief presiding officer (or designee) must give notice of each meeting at least 24 hours in advance (excluding Sundays and legal holidays) to:

1. The public (posted at 3 locations or paid publication in a news medium in the area)
Note: website posting is supplemental.
2. Any members of the news media who have submitted a written request (notice preferably in writing, but may be by telephone),
3. The official designated newspaper or news media.

Meeting Notice Requirements

Notice must contain

- Time, date, and place of the meeting
- Subject matter of the meeting, in a form sufficient to apprise members of the public and the media
- Subject matters intended for any contemplated closed session, considering
 - The burden of providing more detailed notices
 - Whether the subject is of particular public interest, and
 - Whether it involves non-routine action that the public would be unlikely to anticipate

Meeting Notice Requirements

Agenda items cannot be generic headings only, such as “new business” or “miscellaneous business.”

Subjects on the consent agenda must be identified in the notice.

Be careful using titles for “Member Comments” or “Staff Comments”.

Closed Meeting Notice Requirements

When notice is given of a meeting where a closed meeting is contemplated, the notice must contain

- the subject matter to be considered in closed session, and
- exemption(s) under which the chief presiding officer (or their designee) believes a closed session is authorized—not just the statute number.

Citizen Participation

Citizens have the right to attend and observe open session meetings.

Governmental body is free to determine for itself whether and to what extent it will allow citizen participation at the meeting.

If allowed, it is to be included on the meeting notice.

No action allowed on items brought forward by the public unless on that meeting's agenda.

Rules Regarding Voting

No secret ballot voting, except for election of officers.

Email balloting to decide matters is not allowed.

If a member requests the vote of each member, a voice vote or vote by show of hands is not permissible unless the vote was unanimous and the minutes reflect who was present for the vote.

Use of general consent (without a formal vote) is appropriate for routine procedural matters (such as approving minutes or adjourning).

Minutes

For both open and closed sessions, a record of all motions and roll-call votes at a meeting must be created and preserved.

Most commonly, this is handled through written minutes, but compliance may be by a tape recording or other method where the motion and roll call votes are recorded and preserved.

No timeframe is identified, but minutes should be prepared and preserved as soon after a meeting as possible.

Minutes

Minutes are to include:

- Reasonable intelligible description of the essential substantive elements of every motion made
- Who offered the motion
- Who seconded the motion
- The outcome of any vote on the motion
- If by roll call, how each member voted

Minutes

Must be open to public inspection

As long as reasons for convening in closed session continue to exist, the records custodian may be able to justify not disclosing any information that requires confidentiality.

The separate information during that meeting must be disclosed, even if some information may be withheld.

Once the underlying purpose for the closed session ceases to exist, all records must be provided to any person requesting them.

Minutes Questions

Do you always take minutes for closed sessions?

- For all sessions?
- Only for sessions when a motion and vote are taken?

When are closed session minutes approved?

- At the same closed session?
- At a subsequent closed session?
- At an open session?

Closed Session and Exemptions

Every meeting must be convened in open session.

To go into closed session:

- Motion is offered and seconded,
- Presiding officer announces nature of business to be discussed and specific statutory exemption,
- Recorded majority vote for adoption
(If the vote is unanimous, there is no need to record the votes individually).

Closed Session and Exemptions

After convening in closed session, a public body may not reconvene in open session within 12 hours after completion of the closed session unless notice was given that the open meeting would reconvene.

If the original public notice included the time expected to reconvene in open session, they may not reconvene in open session until that time.

When a public body reconvenes in open session, the presiding officer has a duty to open the meeting room door and inform any members of the public that the session is open.

Exemptions

- Consideration of dismissal, demotion, discipline, licensing, and tenure (individual has right to request that an evidentiary hearing or final action be taken in open session)
- Consideration of employment, promotion, compensation, and performance evaluations of a public employee
- Consideration of financial, medical, social or personal information

Exemptions

- Conducting public business with competitive or bargaining implications
- Conferring with legal counsel with respect to litigation in which the body is or is likely to become involved
- Advice from the legal counsel may be written or oral

Penalties

The attorney general has authority to enforce the open meetings law.

After an individual files an open meetings act complaint, a district attorney has authority to enforce.

If the district attorney does not take action within 20 days, the individual has the right to bring an action.

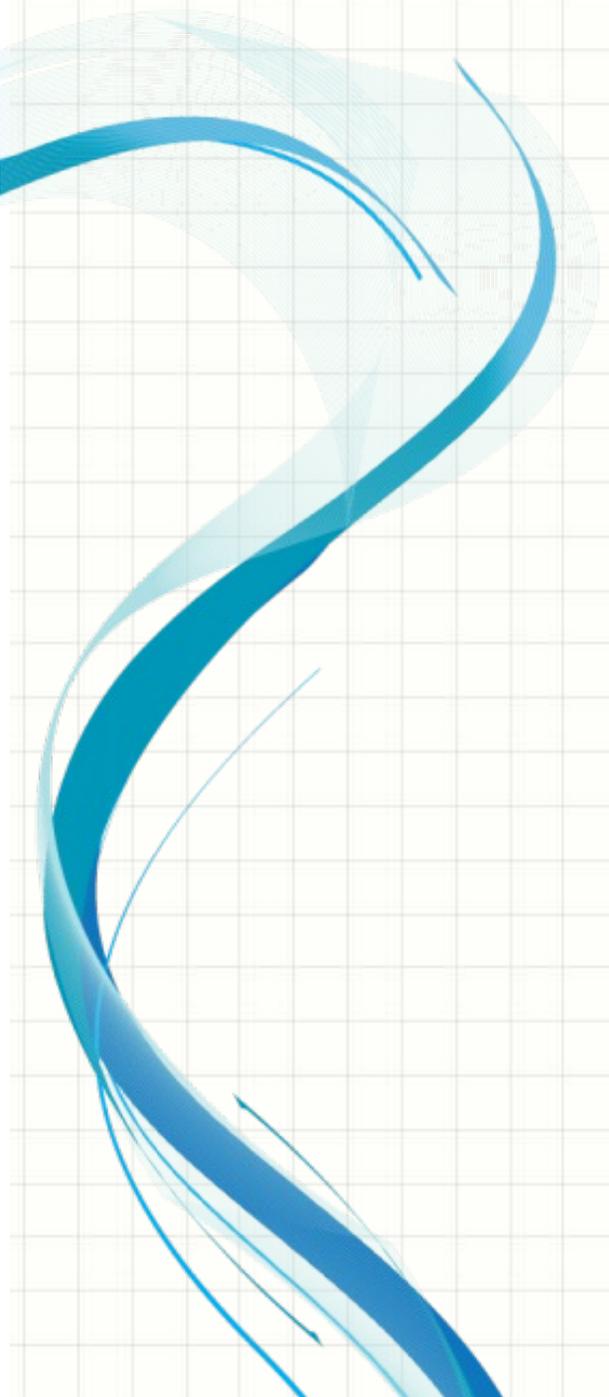
Enforcement actions must be commenced within two years.

Penalties

Any member of a governmental body who “knowingly” attends a meeting held in violation of the open meetings law, or otherwise violates the law, is subject to forfeiture of between \$25 and \$300 for each violation.

Additionally, a court may void any action taken at a meeting held in violation of the law.

The attorney general has express statutory authority to respond to requests for advice from any person as to the applicability of the open meetings law.

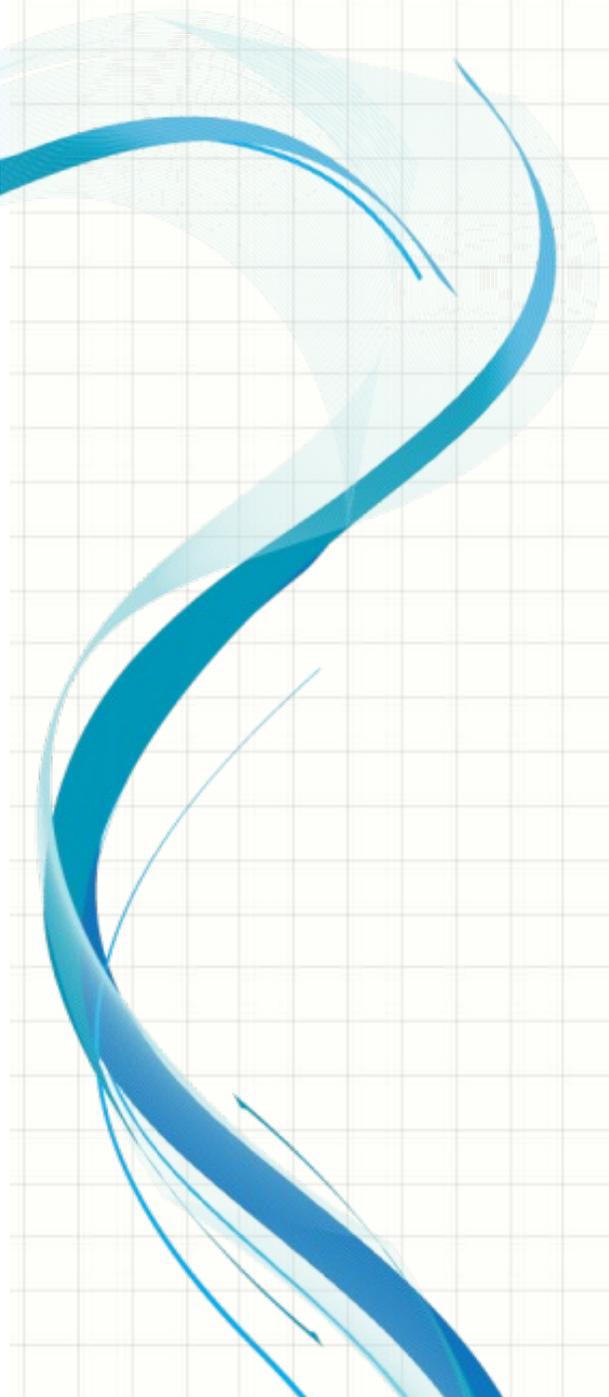


Consent Agenda

Consent Agenda

Must be authorized by a special rule of order

- What kinds of business may be included
- Who decides which items will be included
- Who may remove an item from the consent agenda
- How will items appear on the agenda
- Where will consent items be included in the minutes



Business in Small Boards

Business in Small Boards

- Not more than about a dozen members
- Business is handled as if in a committee
- Rules are relaxed
- Board may choose which rules to use





Robert's Rules of Order Newly Revised, 12th edition, lists the following process for the conduct of business in a small board:

1. Members may raise a hand to obtain the floor before making motions or speaking in debate, which they can do while seated.
2. Motions need not be seconded.
3. There is no limit to the number of times a member can speak to a debatable question.

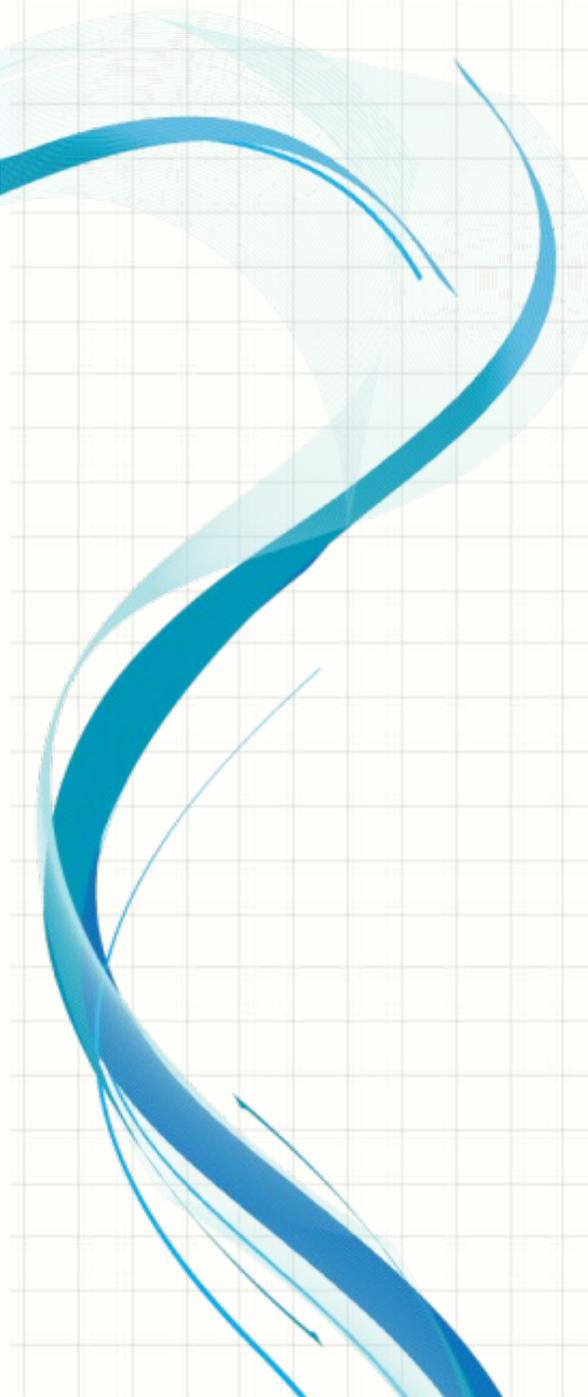
- 
4. Informal discussion of a subject is permitted while no motion is pending.
 5. When a proposal is perfectly clear to all present, a vote can be taken without a motion's having been introduced.

Unless agreed to by unanimous consent, however, all proposed actions must be approved by vote, which can be taken initially by show of hands.

- 
6. The chairman need not rise while putting questions to a vote.

 7. If the chairman is a member, s/he may, without leaving the chair, speak in informal discussions and in debate, and vote on all questions.

Note: Informal discussion may be initiated by the chairman him/herself.



Minutes Information

What are minutes?

- An accurate, succinct, written account of the proceedings of a meeting
- Official record of the proceedings of a deliberative assembly
- Legal public record of a meeting

Purpose of Minutes

DeMeter's Manual of Parliamentary Law :

- To refresh the memory of the members who were present at the meeting,
- To inform those who were absent from the meeting, and
- To compile a history of the organization's acts and accomplishments

Steps in handling a motion

1. A member makes a motion.
2. Another member seconds the motion.
3. The chair states the question.
4. Members debate the motion.
5. The chair puts the question to a vote.
6. The chair announces the result of the vote.



Minutes should include the wording in which each motion was adopted or disposed of, including (parenthetically):

- If the motion was debated (After debate,) and/or
- If the motion was amended (final wording)

If the motion was amended and the vote was by roll call, the names of those voting on each side are recorded in the minutes.



The language in which the motion was offered should read:

Member _____ moved, seconded by Member _____, to

Do not use motioned instead of moved.

When a motion was approved:

The motion to...

was adopted (RONR preferred)

was approved

was accepted

passed

carried

When a motion failed:

The motion to... was
lost (RONR preferred)
defeated

Or was otherwise disposed of:

Laid on the Table
Postponed indefinitely
Postponed to the next meeting
Referred (to a committee)



Use the term “closed session” (from the WOMA) rather than “executive session.”

If the board has not noticed that they will return to open session after going into closed session, the open session minutes should only reflect the time that they went into closed session.

A motion to return to open session, should be in the minutes of the closed session, not in the minutes of the open session.

The time the meeting reconvened should be recorded.

Recording Votes

- If by voice, the fact that the motion was adopted, approved, accepted, passed, carried, lost, or defeated.
- If by roll call, the number and names of those voting on each side as well as those who abstained
 - Aye or Yes
 - Nay or No
 - Present or Abstain
 - Pass

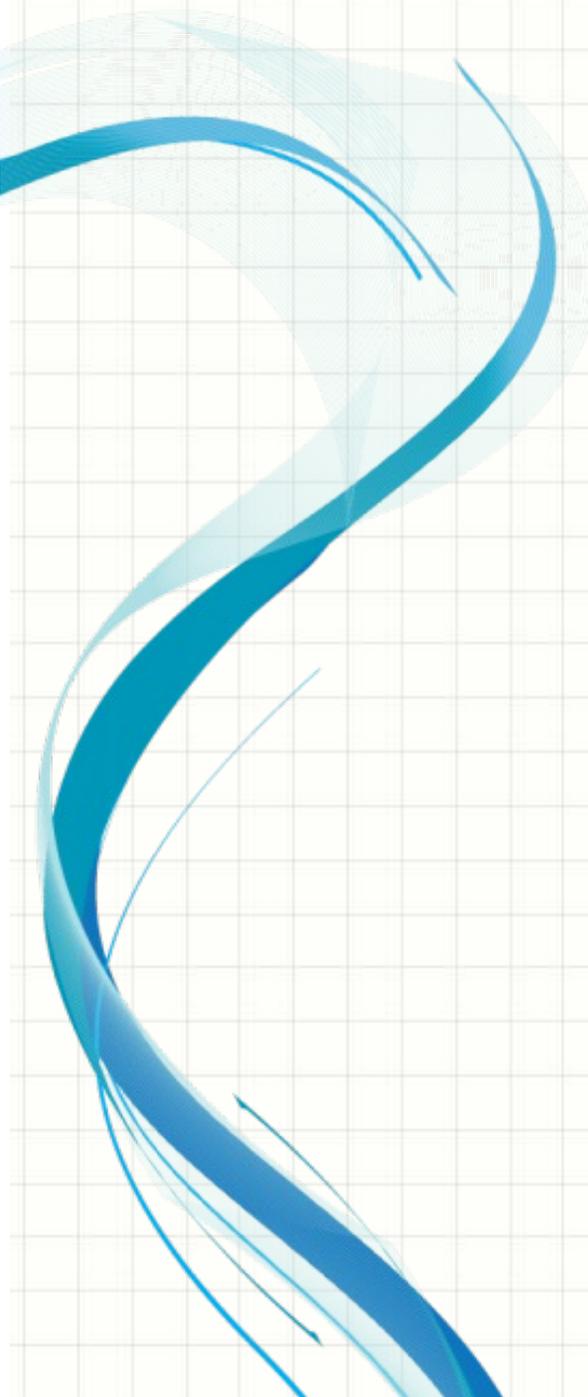
Approving Minutes

- Proposed minutes are only a draft and do not become “the” minutes until approved.
- Minutes are approved as printed, distributed, mailed, etc., or as corrected.
- Approval may be by unanimous consent, or
- Approval by a motion, second, and vote.

Developing Minutes Standards

Style

- Font: Serif vs Non-Serif
- Size
- Headings
- Footer
- Language
- “Look”
- Readability
- Consistency



Tips for Meetings and Minutes

Opening paragraph

Include the name and position of the person calling the meeting to order.

Make sure to include the statement that the meeting was properly noticed.



AGENDA:

- At the meeting, adopt the agenda if it varies from an adopted format of agenda or if you have not adopted an agenda format.
- It is not necessary to adopt the agenda if it follows your adopted agenda format.

IDENTIFICATION OF MINUTES

- Include a watermark for unapproved “draft” minutes.
- Include page numbers (may be included as a footer, page x of y) and date of meeting.

HANDLING MOTIONS (cont.)

- The term “Old Business” should not be used.
- If an item is handled by asking for any objection and none are received (unanimous or general consent), the minutes should state “Without objection, ...”

HANDLING MOTIONS (cont.)

- If a motion does not receive a second and it must be included in the minutes (because it was on your adopted agenda), use the statement “There was no second, and the motion was not considered.”

HANDLING ORAL REPORTS

Be consistent in how much of an oral report is included in the minutes, not dependent on who was giving it

Include substantive information, not opinions.

HANDLING NOMINATIONS

A nomination is a proposal to fill the blank in an assumed motion “that _____ be elected to the specified position.” No second is required.

If elected by voice or roll call, names are considered in the order they were nominated.

When an individual receives a majority vote in the affirmative, the remainder of the names are not considered.

DEBATE

- Opinions stated in debate should only be included if they have historical significance.
- or
- The member has received approval to have his/her comments included in the minutes.

VOTING

- There is no need to include “adopted by yea and nay votes,” “approved by yes and no votes,” or “motion carried by voice vote.”
- Do not include “carried by voice vote with one abstention.”
- A tie vote is a lost vote!

VOTING (continued)

- A member's abstention on a voice vote is included by name only if s/he requested that it be included in the minutes and there was no objection from any other member.
- If the vote was by voice, do not include language that the vote was unanimous unless you list members present.

VOTING (continued)

- For a roll call vote, record in the minutes:
 - Names of board members and number voting on each side.
 - Ayes, Nays, Abstentions, (and sometimes Absent) or
 - Yes, No, Abstentions (and sometimes Absent).

Signature on Minutes

- If the board secretary and/or chair usually signs the minutes, make sure to include the name of the recorder or preparer as well.
- Take pride in your work product!



**Government is a trust,
and the officers of the
government are trustees;**

**and both the trust and the trustees are
created for the benefit of the people.**

Henry Clay