

Trustee Tale

Trustee Tale is a joint project of the Manitowoc Calumet Library System, Nicolet Federated Library System, Outagamie Waupaca Library System, Winnefox Library System and Wisconsin Valley Library System.

If you have questions, comments, or suggestions for future articles, contact your system director.



The Library Board and Open Meetings Law

Wisconsin's open meetings law supports the principle that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of government business. To this end, all meetings of state and local government bodies (including library boards) must be held in places reasonably accessible to members of the public and must be open to the public.

What are the specific requirements for Wisconsin's open meetings law and how does your library board comply? The two most basic requirements of the open meetings law are that a governmental body: (1) give advance public notice of each of its meetings; and (2) conduct all of its business in open session, unless an exemption applies.

Meeting Notice

Wisconsin Stat. § 19.84, which sets forth the public notice requirements, specifies when, how, and to whom notice must be given, as well as what information a notice must contain. The first step is to ensure you let the



public know that your board is going to hold a meeting. Your board can give "public notice" by completing the following:

- Create an agenda which contains the time, date, place, and all subjects to be discussed and/or acted upon at the meeting; and
 - The agenda must provide enough information to alert the public to the importance of the meeting, so that they can make an informed decision on whether to attend.
- "Publish" this notice at least 24 hours before the meeting. The publication requirement can be met by using one of the following methods:

- Posting a notice in at least 3 places likely to give notice to persons affected;
 - Posting a notice in at least one public place likely to give notice to persons affected and placing a notice electronically on the library's website; or
 - Pay for the notice to be published in a news medium likely to give notice to persons affected.
- Provide the agenda to the officially designated newspaper or, if none exists, to a news medium likely to give notice in the area. The governmental body is not required to pay for, and the newspaper is not required to publish, such notice.

Meeting Business

The library board is free to discuss any aspect of any subject identified in the agenda, as well as issues reasonably related to those subjects, but may not address any topics that are not reasonably related. However, if the meeting agenda listed a “public comment” period, the board may briefly discuss issues raised by the public during that period but may not take action on any comments unless comments relate to a subject that was properly noticed on the agenda.

Some boards list an “other business” item on the meeting agenda to handle unforeseen issues that may arise after the agenda has been prepared. This is not advisable and can lead to open meetings law violations.

Location of Meetings

Meetings must be held in a place reasonably accessible to the public. It is strongly recommended that you provide barrier-free access to the meeting room. The board must make a reasonable effort to accommodate any person desiring to record, film, or photograph the meeting as long as this will not interfere with the conduct of the meeting or the rights of the participants.

If the library board meeting is held in-person, you are encouraged to also offer a remote or virtual option for the public to attend. However, if the meeting is held in a physical location, the public's right to attend cannot be limited to only remote or virtual options.

When a board meeting is held by teleconference or video conference, the public must have a means of monitoring the meeting. This obligation can be met by providing the public with information for joining the meeting remotely, even if there is no central in-person location at which the public can convene for the meeting. However, the board should be mindful of the possibility that it may be infeasible for individuals who would like to observe a meeting to do so remotely—for example, for people without telephone or internet access or who are deaf or hard of hearing—and appropriate accommodations should be made to facilitate reasonable access to the meeting for such individuals upon request.

Meeting Minutes

Wisconsin law requires that meeting minutes be kept and be made available to the public as required by the Public Records Law. At a minimum, meeting minutes must indicate the board members present, all motions that were made and the result of any votes taken. Except for votes on the election of board officers, any board member can request that a roll call vote be taken on any vote, with the vote of each member recorded in the minutes.

Email, “Walking Quorums” and Other Potential Open Meetings Violations

Email can be a time-saving communication tool and a wonderful convenience. However, the use of email to communicate among members of a library board may raise open meetings law concerns. Under the Wisconsin open meetings law, a “meeting” occurs whenever: (1) there is a purpose to engage in governmental business, and (2) the number of members of the body involved in the “meeting” is enough to form a quorum. Based on this definition, Wisconsin courts have determined that this law applies even when there are a series of gatherings involving board members that do not make up a quorum. If these board members collaborate to act collectively, they can effectively reach a quorum.

Because of the dangers posed by email, the Wisconsin Attorney General strongly discourages the members of any governmental body from using email to communicate about issues within the body’s realm of authority. However, the use of email by a library director to send information to library board members (such as a meeting agenda and other meeting materials) would not implicate the open meetings law. An email concerning library business sent to or by a library board member (or library staff member) is subject to the requirements of the Wisconsin public records law.

For more information see the [Wisconsin Open Meetings Law Compliance Guide](#).