



Meeting Protocol

As you begin your new term in office, I want to say congratulations and thank you for your willingness to serve your town! Whether you are a returning veteran or a novice to town government there is an incredible amount of responsibility that you have in your position. Just know, that we at the WTA are here to help provide you with the information you need to do your jobs well.

Are there rules or laws that our board must follow for our board meetings?

All governmental bodies are required to comply with the Open Meetings Law. (See ss. 19.81-19.84, Wis. Stats). The purpose of the law is to provide openness and transparency in government business. Consequently, before you exercise your responsibilities, authority, power or duties vested in your board, you are required to provide notice to the public at least 24 hours in advance of the meeting. The notice (which in most cases is the board's meeting agenda) must include the date, time and location of the meeting. The notice also must include the subject matter the board will consider at the meeting and whether it will be going into closed session. The notice must be "reasonably likely to apprise members of the public and the news media" as to what will take place. Hence, when reviewing the agenda, think about whether someone reading it will understand what the town board will be doing at the meeting. If it is too vague, it is not meeting the requirements of the law.

There are other statutes that require a particular type of vote for an item to be passed (i.e. an amendment to town's budget requires a 2/3 vote of the body). See s. 65.90(5)(a), Wis. Stats. Thus, your board will want to make sure that its meeting and its actions comply with the law.

Can our board adopt our own local rules for our meetings?

Yes, provided they are consistent with the law. Often times, a governmental body will adopt an ordinance laying out the rules of parliamentary procedure it will follow. The ordinance might also address: the board's regular meeting schedule; how items get placed on the agenda; how and when special town board meetings get scheduled; who presides over the meeting when the chair is absent; how a member may participate in the debate; whether public participation will be allowed; and whether members may appear remotely or electronically for a meeting. You may find a sample town board meeting and parliamentary procedure ordinance in the Wisconsin Town Law Forms book at the following link: http://docs.legis.wisconsin.gov/statutes/townlaw/forms/_28?view=section.

Who is responsible for preparing the agenda?

Pursuant to s. 60.24(1)(a), Wis. Stats., the chairperson is responsible for presiding over a town board meeting. In the absence of a local policy that spells out a different procedure, the chairperson or his/her designee, is responsible for setting the agenda and having it properly posted in accordance with the Open Meetings Law. Often times, the clerk will assist the chair in putting it together and posting it in advance of the meeting.

If I am not the chairperson, how do I get an item placed on the agenda?

In order to avoid an Open Meeting violation, it is always best to make these requests at an open meeting. For example, the board may agree to place an item on the agenda labeled “items intended for future meetings.” When this item comes up, a board member may request an item to be placed a future board meeting agenda. Another option is to contact the clerk and ask him/her to ask the chair to have the item placed on the agenda.

Can a board add items to the agenda at the beginning of the meeting?

No. Under the Open Meetings Law, the public must be apprised of what items the board will be considering at least 24 hours in advance. If there is good cause to demonstrate that timeframe is impractical or impossible, a board must, at a very minimum, provide a 2 hour notice to the public. Hence, attempting to add items to the agenda at the time of the meeting would violate the requirements of the Open Meetings Law.

Must a board provide for public comment during our town board meetings?

While the public has the right to attend and observe the open session portions of a meeting, the Attorney General has concluded that a meeting does not require members of the public to speak or actively participate in the meeting. Hence, unless a statute requires otherwise, it is in the discretion of the governing body to decide whether to allow for public comment.

Can a board limit the amount of time the public can speak during a public comment session?

Yes. If a board provides for public comment, it may also limit the duration. At the beginning of the comment period, announce the amount of time that a member of the public has to provide comment and then consistently apply this limit. If you have a member of the public who likes to push the limit, it might be best to invest in a kitchen timer that has a bell or ringer that goes off after the time period has expired.

How can a board address members of the public who speak out of order during its meetings?

Since the chairperson presides over the meetings, it is this person who plays a crucial role in ensuring that order is maintained during the meeting. Meetings are meant to allow a board to fulfill its responsibilities, authority, power and duties vested in it. While the Open Meetings Law gives members of the public the opportunity to attend and observe meetings, it does not give the public the ability to interrupt or disrupt them. Hence, the WTA recommends the following protocol for someone who may not fully understand this concept:

1. Invest in a gavel. When someone begins to speak out of turn, is threatening another, is using inappropriate or disparaging words, the chair should use the gavel to get their attention.
2. Next inform them that they are speaking out of turn and ask them to stop. If you have a public comment section, ask them to refrain from speaking until that agenda item is reached.
3. If they rise up or are standing, ask them to be seated.
4. If they do not comply with these requests, ask them to leave the meeting.
5. If they fail to leave the meeting, provide a warning that law enforcement will be contacted.
6. If they fail to heed this warning, contact the sheriff's or police department to have them removed.