



Agendas and Minutes for County Board and Committee Meetings

**WCA Webinar
July 22, 2019**

Sources of Procedural Rules

- State Statutes
- Local Rules
- Robert's Rules of Order (RONR)
 - RONR is the default for determining order of business and agenda, etc.
 - Can be modified by local rule as long as compliant with all legal requirements.



AGENDA



Purpose of the Agenda



- Sets the expectations for the members of the governmental body and the public.
 - Items of business that will be addressed.
 - The order in which they will be considered.

Who Sets the Agenda?

- Presiding officer, or designee, is responsible for developing the agenda and noticing the meeting.
- Wis. Statutes 59.23 provides that the Clerk creates the agenda for meetings “under the direction of the county board chairperson or committee chairperson.”
 - Ensures compliance with the Open Meetings Law.
 - Provides consistency across all county meetings

Who Sets the Agenda? (continued)

- Counties have varying procedures regarding how meeting agendas are developed.
- Advisable to have written procedures.



Who Sets the Agenda?

(Alternatives for Committees)

- Left to discretion of each committee chair.
- Chair and “clerk” develop agenda jointly.
- “Clerk” with input from individual members.
- Department heads, with input from chair.
- Requests channeled through county board chair or executive committee.
- Potential topics generated at end of each meeting.

Accessing the Agenda

- No matter what approach is taken:
 - Governing body should adopt rules that specify procedures for individual members to contribute items to the agenda of an upcoming meeting.
 - Members should understand the procedures and know their rights and responsibilities.



Accessing the Agenda (continued)

- No matter what approach is taken:
 - According to RONR, the board/committee could vote to place an item on the agenda.
 - If a vote to place something on the agenda fails, the item would not get on the agenda.



Accessing the Agenda (continued)

- No matter what approach is taken:
 - Members should understand the procedures and know their rights and responsibilities.
 - Members can request that items be placed on the agenda of a specific future meeting, however they cannot demand it.

Elements and Sequence

1. *Call to order*
2. *Roll call (establish a quorum)*
3. *Certification of compliance with the Open Meetings Law*
4. *Approval of the agenda*
5. *Citizen comments*
6. *Correspondence*
7. Reading and approval of minutes
8. Reports
 1. Reports of officers, boards, and standing committees
 2. Reports of special (select or ad hoc) committees
9. Special orders
10. Unfinished business (avoid this heading) and general orders
11. New business
12. *Set next meeting date*
13. Adjourn

<p>Note: Italicized items are not specified in RONR</p>
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Elements and Sequence (continued)

1. Call to order
2. Roll call
 - In small boards and committees a roll call is not necessary, simple statement that a quorum is present.
 - The meeting minutes should reflect who was in attendance.
3. Certification of compliance with open meetings law
 - Do *not* vote on this item.



Elements and Sequence (continued)

4. Approval of the agenda

- Simply means we agree to take up the items and address them in the order presented.
- Not an opportunity to review the items and add new ones.

5. Citizen/Public Comments

- Establish local rules and procedures that address permissible content, when on the agenda comments will be received, and their length.

Elements and Sequence (continued)

6. Correspondence

- Guidance from Attorney General's office—list topics and subject matter. Otherwise, risks violating the open meetings law.

7. Reading and approval of minutes

- If sent in advance should take no more than a minute.
- Procedure for approval.



Elements and Sequence (continued)

8. Reports

- Another area with potential for violating the Open Meetings Law. List subject matter of the report on the agenda.



9. Special orders

Elements and Sequence (continued)

10. Unfinished business

- Not necessarily listed on agenda this way.
- Subject matter brought up at a previous meeting, but needs further discussion or action.
 - Items tabled, postponed, or referred to a committee
 - Items that will rescind or renew an action previously decided.
 - These items all need to be included on the notice/agenda.

Elements and Sequence (continued)

11. New business

- Not necessarily listed on the agenda in this way.
- Do not use other “catch-all” phrases such as “Other business,” “Any other business that may properly come before the committee,” or “Any other business as allowed by law.”
- Not an opportunity to address items not on the agenda. Simply a category that includes subject matter that the body has not taken up at a previous meeting.

Elements and Sequence (continued)



12. Set next meeting date

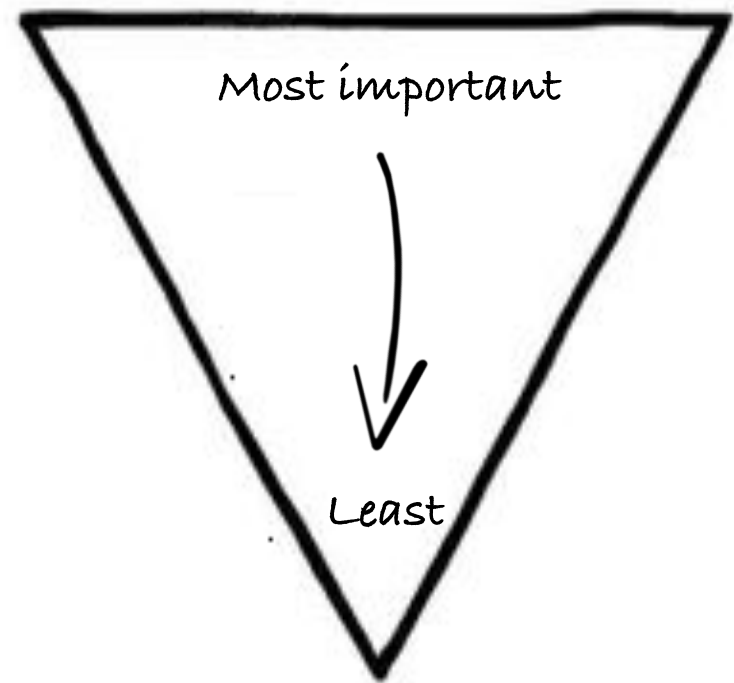
- Opportunity to decide/recommend what items should be on the agenda for the next meeting.

13. Adjourn

Elements and Sequence

Additional Thoughts

- Not required to follow the sequence in RONR.
- Logic often dictates which items should come first.
- May want to list in order of importance.



Public Notice Requirements

- 24 hours notice is required
 - unless “for good cause” such notice is “impossible” or “impractical” and must be given at least two hours in advance.
 - When calculating the 24 hour rule, Sundays and legal holidays are not included.
- A separate meeting notice is required for each meeting.



Public Notice Requirements (continued)

- Date, time, place, and subject matter.
- Official newspaper, public, and other news media who have submitted an official request.
- May change an already noticed agenda as long as the amended agenda is noticed according to the open meetings law.
- The chief presiding officer or committee chair is responsible for providing notice.

Closed Sessions

- Specific exemptions in Wis. Statutes 19.85 (1) exist that allow meeting in closed session.
- Any contemplated closed session must be properly noticed.
- Include subject matter and the specific statutory exemptions.
- Indicate on the agenda if the body will be returning to open session.

Wisconsin Statutes 19.85 (1)

Exemptions for Closed Session

- (a) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.
- (b) Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and par. (f) do not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.

Wisconsin Statutes 19.85 (1)

Exemptions for Closed Session

- **(c)** Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- **(d)** Except as provided in s. [304.06 \(1\) \(eg\)](#) and by rule promulgated under s. [304.06 \(1\) \(em\)](#), considering specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention.
- **(e)** Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

Wisconsin Statutes 19.85 (1)

Exemptions for Closed Session

- **(ee)** Deliberating by the council on unemployment insurance in a meeting at which all employer members of the council or all employee members of the council are excluded.
- **(eg)** Deliberating by the council on worker's compensation in a meeting at which all employer members of the council or all employee members of the council are excluded.
- **(em)** Deliberating under s. [157.70](#) if the location of a burial site, as defined in s. [157.70 \(1\) \(b\)](#), is a subject of the deliberation and if discussing the location in public would be likely to result in disturbance of the burial site.

Wisconsin Statutes 19.85 (1)

Exemptions for Closed Session

- **(f)** Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. [\(b\)](#) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.
- **(g)** Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
- **(h)** Consideration of requests for confidential written advice from the ethics board under s. [19.46 \(2\)](#), or from any county or municipal ethics board under s. [19.59 \(5\)](#).

Wisconsin Statutes 19.85 (1)

Exemptions for Closed Session

- (i) Considering any and all matters related to acts by businesses under s. [560.15](#) which, if discussed in public, could adversely affect the business, its employees or former employees.
- (j) Considering financial information relating to the support by a person, other than an authority, of a nonprofit corporation operating the Olympic Ice Training Center under s. [42.11 \(3\)](#), if the information is exempt from disclosure under s. [42.115](#) or would be so exempt were the information to be contained in a record. In this paragraph, "authority" and "record" have the meanings given under s. [19.32](#).



MEETING MINUTES

Purpose of the Minutes

- The official record of the proceedings of the governing body.
 - Accurate record that a meeting was held.
 - Captures the substance of the official action taken by the body.
 - Minutes are **NOT** a transcript of a meeting.



What to Record



- Legal requirement—
“Substance” of
proceedings.
- Roberts Rules of
Order, Newly
Revised (RONR)
- These offer
guidance, but are not
prescriptive.

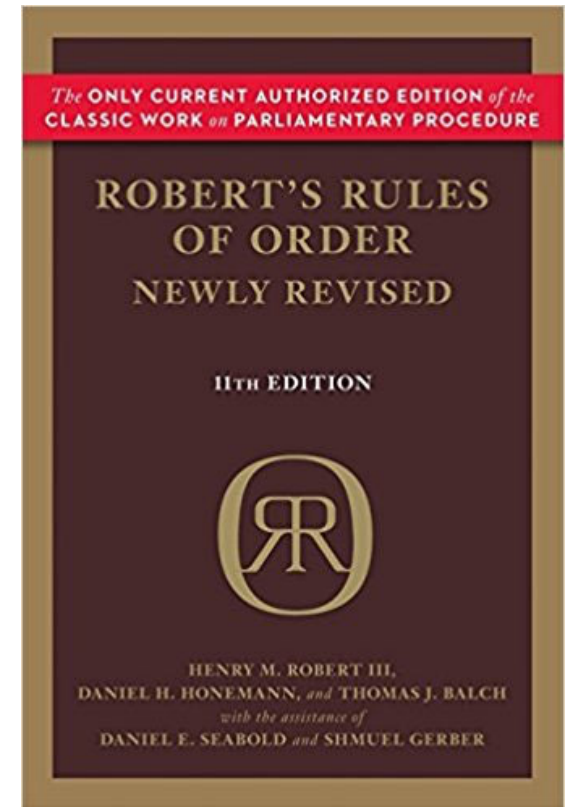
What to Include from the Statutes

- “Substance”—an intelligible abstract or synopsis of the essential elements of the official action taken by a local governing body, including the subject matter of a motion, the persons making and seconding the motion and the roll call vote on the motion. { 985.01(6) }



RONR Recommendations

- Kind of meeting.
- Name of the organization.
- Date, time, and place of the meeting.
- Name of the presiding officer and the secretary, or their substitutes.
- Members present and establishment of a quorum.



RONR Recommendations (continued)

- Action on the minutes of the previous meeting.
- Exact wording of each motion, the name of the maker, and whether it passed or failed.
- Points of order and appeals.
- For reports, the name of the committee and the reporting member.
- The hour of adjournment.

What *Not* to Include, According to RONR

- Opinion or interpretation of the secretary.
- Judgmental phrases—“members expressed total confidence”, “lengthy report.”
- Discussion.
- Motions that were withdrawn.
- Detailed reports.



Core Concept

- Minutes should focus on what the body ***did***, not on what was ***said***.

✓ Announced

✓ Reported

✓ Ordered

✓ Decisions Made

✓ Discussed

✓ Commitments Made

Reports and Announcements

- Simply record that the body received the report, who gave the report, and the subject matter.
- Written reports can be kept on file.
- Body should **not** vote to accept or approve the report.



Recommendations for Recording Formal Decisions



- If a decision is made by unanimous consent, the minutes should reflect it.
- Show the distribution of counted votes
 - “Motion carried, 5-2”.
- Roll call vote – indicate how each person voted.
- Voice vote – indicate outcome and that voice vote was taken (Motion carried, voice vote).

Recommendations for Recording Formal Decisions

- Better to record “without negative vote” rather than unanimous—unless you know.
- Must, in local government, record person seconding (not in RONR). [985.01(6)]
- Whoever is taking minutes, make sure you get the wording down before the vote is taken.

Approval of Minutes

- Done at the subsequent meeting of the body.
- Preferably, signed by presiding officer.



Correcting Minutes

- Minutes of Meeting B should show ***what corrections*** were ordered in the minutes of Meeting A.
- The original minutes of Meeting A should be corrected so that the error remains apparent.
- Retain original version in the minute book.
- Corrections may be made at any time.

Minutes of Closed Sessions

- Are advisable only in rare occasions, but necessary if official action was taken.
- Indicate in minutes that the presiding officer announced in open session the subject matter and the specific exemption allowing closure.
- The motion to convene in closed session and the vote (taken so that each member's vote can be determined) must be recorded.
- A motion to adjourn the closed session is also recorded.

Minutes of Closed Sessions (continued)

- As with open sessions, motions and votes must be recorded.
- Written summary of the discussion is not advisable in a closed session.



Minutes of Quasi-Judicial Bodies

- Making a decision based on evidence.
- Minutes should reflect the basis for the decision.



Other Considerations

- Minute takers may interrupt if necessary to get the exact wording of a motion, or in the event the open meetings law is being violated.
- Encourage the use of written reports that are kept on file.
- Record the arrival and departure of members during the meeting.

Resources

Robert's Rules of Order Newly Revised (11th Edition.)

The UW-Extension Local Government Center
608-262-9961

Dan Hill – Retired Local Government Specialist, UW-Extension
Local Government

“Agenda & Minutes Guide for Wisconsin County Clerks”
Wisconsin County Clerk’s Association

von Briesen & Roper, S.C.
414-287-1570

Wisconsin Counties Association
866-404-2700

Thank you!
Questions?



Jon Hochkammer, Outreach Manager
Wisconsin Counties Association
(866) 404-2700
hochkammer@wicounties.org