

Open Meetings Law and Library Board Closed Sessions

Wisconsin's open meetings law places very specific requirements on library boards (and all other government bodies) for notice and conduct of meetings. Below are the general requirements for conduct of a closed session during a board meeting.

Closed library board sessions are allowed for certain purposes, but the following steps are **all required** for a library board (or any other government body) to legally conduct a closed session:

1. The meeting notice **must** indicate any contemplated closed session, the subject matter of the closed session discussion, and the specific statutory provision allowing a closed session.
 - o For most personnel-related issues, the relevant exemption is provided in Wisconsin Statutes s. 19.85(1)(c) which allows closed sessions when the employment, promotion, compensation, or performance evaluation data of any public employee under the jurisdiction of the particular government body is being considered. If a closed session was not planned, a board may still go into closed session on any subject contained in the meeting notice, whether the notice provides for a closed session or not, if the board follows the procedures below.
 - o Boards should be aware that if they will be considering the dismissal, demotion or discipline of an employee, a closed session is possible under Section 19.85(1)(b), but the board must give the employee notice of any evidentiary hearing held prior to final action and to any meeting at which final action might be taken. The notice to the employee must include a statement that the employee can demand that the evidentiary hearing or meeting be held in open session.
2. The board must first convene in open session.
3. The chief presiding officer must announce to all present at the meeting the intention of going into closed session and the purpose of the closed session.
4. The chief presiding officer must state the specific section of the law, by statute number (e.g. Section 19.85(1)(c) for a director evaluation session), which allows for the closed meeting. This announcement should be recorded in the minutes. It is good practice for library staff to prepare in advance the exact wording of the announcement to be used.
5. A motion, second and **roll call vote**, with the vote of each board member recorded in the minutes. A majority vote is required to convene in closed session.
6. Attendance at the closed session is limited to the board, necessary staff, and any other persons whose presence is needed for the business at hand.
7. Closed session discussions must be limited to the subject announced in the meeting notice and the chief presiding officer's announcement.
8. Certain votes **may possibly** be legally taken in closed session. But it is a better practice and safer legally to take votes after reconvening into open session. At any rate, all board actions, whether taken in open or closed session, must be recorded in the minutes and be open to public inspection. Secret ballots are only allowed for the election of board officers.
9. The board may legally reconvene in open session as long as that intent was noted in the public notice of the meeting. If there was no notice given that the board intended to reconvene in open session, the board is required to wait at least 12 hours after the completion of the closed session before reconvening in open session.

Library trustees should be aware that Wisconsin's open meetings law is designed to support 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 all state and local government bodies must be publicly held in places reasonably accessible to members of the public unless otherwise expressly provided by law. The specific statutory exemptions that may allow for a closed session are

in Section 19.85. Wisconsin Statutes Chapter 19 is available in PDF format at <http://www.legis.state.wi.us/statutes/Stat0019.pdf>.

Any library board member who knowingly attends a meeting in violation of the open meetings law will be required to forfeit, without reimbursement from the library or municipality, not less than \$25 and as much as \$300 per violation. In addition, a court may void board actions taken in an illegal closed session. A board member is not legally liable if he or she voted against those actions that the board took which caused the violation. Therefore, it is recommended that a board member who believes the purpose stated for the motion to close a meeting is not legally sufficient should vote against the motion. In addition, board members should confirm that proper notice has been given for each board meeting.

The League of Wisconsin Municipalities has very detailed [overview](#) of Wisconsin's open meetings law.

In addition, the Wisconsin Attorney General's office has developed a [Compliance Guide](#) that explains Wisconsin's Open Meetings Law and discusses significant cases that have an impact on the law's implementation.

Questions about the open meetings law can be directed to your municipal attorney, the [Wisconsin Attorney General's office](#), or Shannon Schultz at shannon.schultz@dpi.wi.gov or 608-266-7270.