



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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Daniel P. Bach
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Mr. David R. Friedman
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Dear Mr. Friedman:

On February 7, 2003, you asked me for advice on how to interpret the open meetings law under the following circumstances:

I represent a school district that is composed of five board members. There is a personnel committee composed of board members A and B and a building and grounds committee composed of board members B and C. There is a topic that both the personnel committee and the building and grounds committee need to discuss together.

The question I am asking is the proper procedure to be used for posting the open meeting law notice. Because this is a five member board, and three board members would be present, the question arises as to whether or not this has to be noticed as a board meeting or can it be noticed as a combined meeting of the two committees? If neither of these approaches are viable, is there another way of noticing the meetings so that the two committees can meet jointly to discuss the common subject matter?

The Department of Justice ("Department") had occasion to address your questions in correspondence dated January 31, 1980, a copy of which is enclosed. My predecessor wrote:

2. When two governmental bodies meet jointly, does each have to give notice of their intent?

The chief presiding officer or designee of each governmental body is required to see that proper notice is given. See sec. 19.84(1)(b), Stats. Separate or joint notices could be utilized depending upon location of the governmental bodies involved, the places of posting or publication, and news media entitled to notification may vary. There may be some question here as to whether it was a meeting of the solid waste board, merely attended by the other officials, a joint meeting, or whether each board separately convened at the same place.

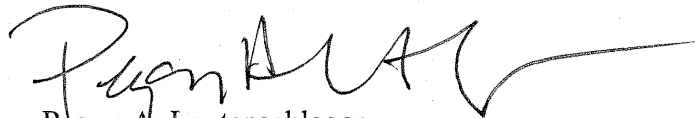
Mr. David R. Friedman
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On November 4, 1998, the Department more recently addressed the question whether each governmental body meeting jointly needed to give separate notice of the joint meeting. The Department concluded:

It is possible that a court might interpret the "separate public notice" requirement [of Wis. Stat. § 19.84(4)] to apply when two bodies are meeting jointly, to require that there be a separate notice for each body. In my opinion, however, requiring a separate notice for each body is not necessary to advance the purpose of the open meetings law. I am of the opinion that a single notice can be used, provided that two requirements are met: 1) that the notice clearly and plainly indicates that a joint meeting will be held and gives the names of each of the governmental bodies involved and 2) that the notice is published and/or posted in each place where meeting notices are generally published or posted for each governmental body involved.

In the joint meeting situation you describe, I recommend that the joint notice state that a quorum of the school board will meet by reason of the overlapping membership of the two committees, but that the school board will not take any action at the committees' joint meeting. If each of the committees is to deliberate and take action with respect to a subject of the joint meeting, I recommend that deliberations and actions of each body be conducted separately, to clearly underscore the separate nature of the two governmental bodies. For example, the personnel committee could recess to allow the building and grounds committee to deliberate and vote on the issue, and then the buildings and grounds committee could recess to allow the personnel committee to deliberate and take action. To the extent that the business before the committees requires action by the full school board, that action should be deferred to the agenda of the school board's next scheduled meeting.

Very truly yours,



Peggy A. Lautenschlager
Attorney General

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Enclosures