



STATE OF WISCONSIN
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April 10, 2008

Mr. Rick Stalle
5866 North Shore Drive
Whitefish Bay, WI 53217

Dear Mr. Stalle:

This letter is in response to your March 7, 2008, email in which you asked a question about the notice requirements for monthly meetings of the planning commission of a municipality that is operating under chapter 62 of the Wisconsin Statutes.

Your question relates to a situation in which a planning commission has published a class 1 notice of a meeting on a particular topic and then has held over consideration of that topic to a subsequent meeting. You ask whether, in that situation, an additional class 1 notice must be published for the subsequent meeting, or whether it would instead be sufficient for the commission to post notices of the subsequent meeting on three village bulletin boards at least 24 hours prior to the meeting.

I can respond to this question only to the extent that it relates to the requirements of Wisconsin's open meetings law, which is located at sections 19.81 through 19.98 of the Wisconsin Statutes. With regard to requirements contained in other statutes, the Attorney General's Office cannot give legal opinions or advice to persons or entities other than state officers and agencies, the two branches of the Legislature, the Governor, county corporation counsel, and district attorneys.

The open meetings law does not contain any requirements related to the publication of legal notices, including class 1 notices, under the procedures set out in chapter 985. Any requirement that a governmental body, including a planning commission, must publish a class 1 notice for some or all of its meetings thus does not derive from the open meetings law. Therefore, I cannot advise you as to when a planning commission may or may not be required to publish a class 1 notice. You may wish to note, however, that there are some circumstances in which sections 985.05(1) and 985.02(2) expressly permit certain municipalities to use posting in at least three public places as an alternative to newspaper publication of legal notices. Further assistance regarding legal notice requirements may be available from a private attorney or from published sources such as the League of Wisconsin Municipalities' "Handbook for Wisconsin

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Municipal Officials” or the Wisconsin Towns Associations’ “Wisconsin Town Officers’ Handbook.”

I can tell you, however, that the kinds of notice described in your March 7, 2008, email appear to satisfy the public notice requirements of the open meetings law. Under section 19.84(1) the chief presiding officer of a governmental body, or the officer’s designee, must give notice of each meeting of the body in three ways. First, notice must be given to the public. This can be done either by paid publication in a news medium or by posting in one or more places (preferably 3) likely to be seen by the public. 65 Op. Att’y Gen. 250 (1976). Second, notice must be given to the official newspaper for the community in question designated under chapter 985 or, if none has been designated, some other news medium likely to give notice in the area. The newspaper (or other news medium) is not obligated to print this notice and the governmental body is not obligated to pay for its publication unless this notice is also being used as the means for notifying the public. Third, notice must also be given to any members of the news media who have submitted a written request for notice. Section 19.84(3) also requires that, in most circumstances, notice of a meeting must be given at least 24 hours before the meeting begins.

Your March 7, 2008, email describes two methods of giving notice: (1) publication of a class 1 notice and (2) posting on three village bulletin boards at least 24 hours prior to a meeting. Both of those methods are sufficient to satisfy the public notice requirements under the open meetings law.

A class 1 notice under chapter 985 requires publication of the notice in a newspaper on at least one occasion at least one week prior to the event for which notice is being given. *See* secs. 985.01(1m) and 985.07(1), Wis. Stats. As shown above, the open meetings law allows public notice to be given by newspaper publication. Furthermore, publication of a notice at least a week before the meeting exceeds the 24-hour notice requirement of the open meetings law. It follows that the method of publishing a class 1 notice of an upcoming meeting is also a sufficient method of giving public notice under the open meetings law.

In addition, as discussed above, the posting of a meeting notice on three village bulletin boards at least 24 hours before the meeting begins is also clearly a satisfactory method of giving public notice under the open meetings law.

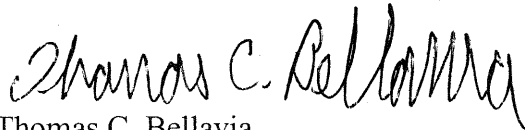
Accordingly, I see no likelihood of an open meetings law violation in a situation where a planning commission that considers the same topic at successive meetings publishes a class 1 notice for the first meeting, but then uses posted notices for the second meeting. However, as already stated, I express no opinion as to whether the use of a class 1 notice for the second meeting might be required by some other statutes outside of the open meetings law. I would also point out that, if a particular topic is held over from one meeting to another, the open meetings law does require that topic to again be included in the public notice for the second meeting.

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In your March 7, 2008, email, you also indicated that you wished to withdraw a previous written inquiry about notice requirements under the open meetings law which you had submitted on February 21, 2008. If, after reading this letter, you would like to reinstate that earlier inquiry, you may do so by submitting a written request directed to my attention.

I hope that the information in this letter is helpful to you and thank you for your interest in compliance with the open meetings law.

Sincerely,

A handwritten signature in black ink that reads "Thomas C. Bellavia". The signature is written in a cursive style with a large, prominent initial 'T'.

Thomas C. Bellavia
Assistant Attorney General

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