



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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I-22-90

Mr. Marc Parenteau
Washburn County Register
Post Office Box 455
Shell Lake, Wisconsin 54871

Dear Mr. Parenteau:

You have requested an opinion whether the directors of the Washburn County Industrial Development Agency, Ltd., are subject to the provisions of the open meetings law.

You report that the Washburn County Board of Supervisors on June 21, 1988, created the agency by a resolution, which stated:

That there shall henceforth be caused to be formed the Washburn County Industrial Development Agency for the purposes stated in 59.071, Stats., and that the proposed articles of incorporation and proposed by-laws shall be made available for inspection by any municipality within the county for a period of at least 30 days and shall thereafter be submitted to the county board for approval. That all provisions of 59.071, Stats., be complied with in the creation of such agency.

The open meetings law applies to a governmental body, which is defined in section 19.82(1) of the Wisconsin statutes:

"Governmental body" means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley center sports and entertainment corporation created under ch. 232; any public purpose corporation, as defined in s. 181.79(1); a nonprofit corporation operating an ice rink which is owned by the state; or a formally constituted subunit of any of the foregoing, but excludes any such body or committee or subunit of such body which is formed for or meeting for the purpose of collective bargaining under subch. IV or V of ch. 111.


An industrial agency created by the county under section 59.071 would fall within the definition of a governmental body. According

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to section 59.071(3)(a) and (4)(d), the agency is a "public body corporate and politic." The agency was created by order because the resolution of the county board that created the agency is an order. Certain Lots, Etc. v. Town of Monticello, 159 Fla. 134, 31 So.2d 905, 911 (1947); City of Pensacola v. Southern Bell Telephone Co., 49 Fla. 161, 37 So. 820, 824 (1905); Boyer Fire Apparatus Co. v. Town of Bruceton, 16 Tenn. App. 143, 66 S.W.2d 210, 214 (1932); and Keigley v. Bench, 90 Utah 569, 63 P.2d 262, 265 (1936).

Therefore, being a "public body corporate and politic" created by order of the county board, the agency created under section 59.071 falls within the definition of a governmental body and is subject to the provisions of the open meetings law.

Sincerely,


Donald J. Hanaway
Attorney General

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cc: Jeff Kohler