



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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ATTORNEY GENERAL

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November 13, 1989

I-95-89

Ms. Donna Lash
4865 Court Road
Egg Harbor, Wisconsin 54209

Dear Ms. Lash:

You have asked whether the open meetings law requires that minutes be kept of village advisory committee meetings, and if not, whether any other statutes require that minutes be kept of the advisory committee meetings.

The answer to both questions is no. The open meetings law only requires that motions and roll call votes be recorded. The statute that defines the duties of the village clerk requires the clerk to record the minutes of meetings of the village board of trustees, but there is no mention of the village's advisory committees. See sec. 61.25, Stats.

If minutes are not required, you ask whether the governing body has any requirement to preserve for public inspection what happened at the meeting, and if so, whether a tape recording of the meeting would suffice.

Again, as a governmental body, the committee must record motions and roll call votes. Section 19.88(3) of the Wisconsin statutes requires that the motions and roll call votes be recorded, preserved and open to public inspection to the extent required in the public records law. Under the public records law, a recording is considered a record and is subject to the requirements of that law. See sec. 19.32(2), Stats. Therefore, the requirement to record motions and roll call votes would be satisfied if they were recorded and preserved on a tape recording.

Finally, you ask what is meant by section 19.88(2) which provides: "Except as provided in sub. (1) in case of officers, any member of a governmental body may require that a vote be taken at any meeting in such a manner that the vote of each member is ascertained and recorded."

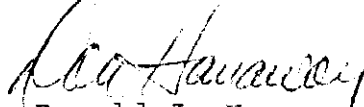
This subsection means that except for election of officers of the governmental body, which can be conducted by secret ballot, when any other vote is taken a single member can by his or her request require that the vote be taken in such a manner that the vote of each member is recorded. In other words, a show of hands where the vote of each person was not recorded would usually not be permissible; it would normally not be

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permissible to conduct a voice vote of ayes and nays. These methods would be permissible if the voting result was unanimous and minutes recorded who was present for the vote. If at least one member of the body requests it, the vote of each member must be identified, recorded and preserved.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald J. Hanaway".

Donald J. Hanaway
Attorney General

DJH:dt