

CHAPTER 4

OPEN MEETINGS/VILLAGE NEWSPAPER ORDINANCE

4.01 OPEN MEETINGS/VILLAGE NEWSPAPER ORDINANCE

(1) **OPEN PUBLIC MEETINGS.** All meetings of the Village Board shall be held in open session and shall be open to the public, except as noted in paragraph (6). In addition, all meetings of any committees, any commissions, any agencies, and boards and any other special government units of the Village shall be held in open session and open to the public, except as noted in paragraph (6).

(2) **PUBLIC NOTICE OF MEETINGS**

(A) **General Public Notice.** All meetings of the Village Board and all meetings of any committees, any commissions, any agencies, any boards or any other special government units of the Village shall provide public notice of these meetings pursuant to Section 19.84, (1993-1994) Wisconsin Statutes, and pursuant to this ordinance.

(B) **Responsible Person.** The Village President, or his or her designee and the chair or presiding officer of any committee, commission, agency, board or any other special government unit of the Village, or his or her designee, shall be the responsible person to communicate orally or in writing notice of any meeting to any concerned media who have filed a written request for such public notice of meetings and to any official newspaper for the Village of New Auburn.

(C) **Time for Notice.** The public notice of any meeting of the Village Board and the public notice of any meeting of any special office, committee, commission, agency, board or any other special government unit of the Village shall be given at least twenty-four (24) hours prior to the commencement of the meeting, unless for good cause such public notice is impossible or impractical in which case, shorter notice may be given, but in no case may public notice of any meeting be provided less than two (2) hours in advance of the meeting.

(D) **Elements of Notice.** Any written public notice of any meeting shall set forth the time, date, place and subject matter of the meeting, including any possible closed meeting and any subject matter intended for consideration of any possible closed session. The actual form of the written public notice shall be used that is reasonably likely to apprise members of the general public, any concerned media and the official newspaper of the meeting.

(3) **SPECIAL GOVERNMENT UNITS**

(A) **Special Government Units Notice.** Any committee, commission, agency, board or other special government unit of the Village shall comply with Chapter

19, (1993-1994) Wisconsin Statutes, and the sections of this ordinance. Any committee, commission, agency, board or other special government unit shall, in addition, provide a written copy of a public notice of any meeting to the Village Clerk or to the Deputy Clerk of the Village of New Auburn prior to any meeting.

(B) Exceptions. The special government unit need not provide such public notice pursuant to Section 19.84(6), (1993-1994) Wisconsin Statutes:

(1) If the special government unit is a formally constituted committee or subcommittee of the Village Board;

(2) If the committee or subcommittee of the Village Board is meeting during a lawful meeting of the Village Board, during a recess of a lawful meeting of the Village Board, or immediately after adjournment of a lawful meeting of the Village Board;

(3) If the committee or subcommittee of the Village Board is meeting for the purpose of discussing or acting upon a matter which was the subject of the meeting of the Village Board; and,

(4) If the Village President publicly announces the time, place and subject matter of the meeting of the committee or subcommittee in advance at the meeting of the Village Board.

(4) POSTING AND PUBLISHING OF PUBLIC NOTICE

(A) Posting. At minimum, the responsible person to provide any public notice or his or her designee shall post written public notice of any meeting of the Village Board and any meeting of any committee, commission, agency, board or any other special government unit of the Village at the following location:

- (1)** Village Hall
- (2)** Security Bank of New Auburn
- (3)** United States Post Office

(B) Publishing. In lieu of or in addition to the above noted written posting of the public notice for the meeting of the Village Board and any other special government units noted herein, proper written public notice may be achieved under Chapter 19, (1993-1994) Wisconsin Statutes, and this ordinance by the Village President or his or her designee publishing a Class 1 notice pursuant to Chapter 985, (1993-1994) Wisconsin Statutes, for any meeting of the Village Board or any other government units noted herein, in the Village of New Auburn official newspaper and by publishing public notice of any meeting at the discretion of the Village President of the Village Board, in any other publication likely to apprise the general public of the meeting. Publication of the public notice of a meeting in the official newspaper or in any other publication is not required by this ordinance except as noted below.

(5) RECORDING, BROADCASTING AND PHOTOGRAPHING OF MEETINGS

(A) General Media Coverage Rule. Pursuant to Section 19.90, (1993-1994) Wisconsin Statutes, any concerned media, the official newspaper of the Village or any other person may broadcast, photograph or record any part or all of any open session of a meeting of the Village Board, or any meeting of any special office, committee, commission, agency, board or any other special government unit of the Village covered by this ordinance.

(B) Exceptions. The Village President or the chair or presiding officer of any Village meeting or any other Village government meeting of the Village, its officers or its employees may, prior to or at the meeting establish reasonable standards for the location and placement of any broadcasting, photography or recording devices. No person shall broadcast, photograph or record any matter or persons at any government meeting in the Village of New Auburn in such a manner to unreasonably interrupt the deliberations and discussions nor unreasonably block the view or the opportunity to hear any person at any Village of New Auburn government meeting.

(6) EXCEPTIONS TO OPEN MEETING

(A) Procedure for Closed Session

(1) Any meeting of the Village Board and any public meeting of any committee, commission, agency, board or any other special government unit may be held in the closed session upon a motion for a closed session duly made and carried by a roll call vote of the members. The vote shall be conducted in a manner to allow the public to ascertain how each member of the Village Board or each member of the committee, commission, board or any other special government unit of the Village voted on the motion. The actual vote for a closed session shall be recorded in the minutes by the recording officer of the meeting with a clear identification of the names of the members voting for the motion and the names of the members opposing the motion. Prior to the adoption of the motion, the Village President or the presiding officer of the meeting formally shall, at the open meeting portion, announce to all persons at the meeting the nature of the business or matter to be considered at such closed session and shall also formally announce the specific closed meeting exemption and subsection under Chapter 19, (1993-1994) Wisconsin Statutes.

(2) No person in the closed session shall bring before any closed session meeting any business or matter except that business or matter which relates to the business or matter contained in the formal announcement of the closed session by the Village President or by the presiding officer of the public meeting.

(B) Purposes for Closed Session. A closed session of the Village Board or a closed session of any special office, committee, commission, agency, board or any other special government unit of the Village may be held for the following purposes:

(1) Deliberation concerning a case which was the subject of any judicial or quasi judicial trial or hearing before the Village Board or before any special office, committee, commission, agency, board or any other special government unit of the Village.

(2) Dismissal, demotion, licensing, or discipline as follows:

(a) Considering dismissal, demotion, licensing or discipline of:

1. Any public employee for the Village.
2. Any person licensed by the Village.
3. Any special office, committee, commission, agency, board or any other special government unit of the Village.

(b) The investigation of charges against any person by the Village may be done provided that the public employee or person licensed is given actual notice of any evidentiary hearing by the Village Board or by any committee, commission, agency, board, or any other special government unit of the Village prior to the final action being taken by said Village Board or the committee, commission, agency, board or any other special government unit of the Village and the open meeting notice of the public meeting at which final action may be taken. The actual notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session.

(c) The above paragraphs do not apply to any evidentiary hearing or meeting of the Village Board or any committee, commission, agency, board or any other special government unit of the Village where the public employee or person licensed requests in writing prior to the meeting or hearing to the Village Clerk that an open session be held.

(3) Considering employment, promotion, compensation or performance evaluation data of a public employee of the Village where the Village Board of the Village or any committee, commission, agency, board or any other special government unit of the Village has jurisdiction over the public employee or exercises responsibility for the public employee.

(4) Considering specific strategy for crime detection or prevention in the Village.

(5) Deliberating or negotiating the purchasing of public property for the Village or for any committee, commission, agency, board or other special government unit of the Village or conducting other specified public business for the Village or for any special office, committee, commission, agency, board or any other special government unit of the Village whenever competitive or bargaining reasons require a closed session.

(6) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or investigation of charges against specific persons except where paragraph (b)

applies, which, if discussed in public, would be likely to have substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

(7) Conferring with legal counsel for the Village Board of the Village or for any committee, commission, agency, board or any other special government unit of the Village about litigation which exists or is likely to arise.

(8) Consideration of requests for confidential written advice from any ethics board established by and for the Village Board; i.e., an Economic Adjustment Program (business).

(9) Considering any and all matters related to any business under Section 560.15, (1993-1994) Wisconsin Statutes, which, if discussed in public, could adversely affect the business, its employees or former employees.

(C) Exceptions

(1) The Village Board and any committee, commission, agency, board or any other special government unit may not commence a meeting, subsequently convened in closed session and thereafter reconvened in open session within twelve (12) hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session. For this purpose, the officer or designee effecting notice may use the phrase "The board may reconvene in open session to consider other topics".

(2) Neither the Village Board, any committee, commission, agency, board or any special government unit of the Village nor any member of the above-noted, nor any person shall construe this ordinance to authorize the Village Board or any special office, committee, commission, agency, board or any other special government unit of the Village to consider at a closed session meeting the final ratification or approval of any collective bargaining agreement under Subchapter IV or V of Chapter 111, (1993-1994), Wisconsin Statutes, where this agreement has been negotiated by the Village Board or by any special office, committee, commission, agency, board or any other special government units of the Village or on their behalf.

(7) EXCLUSION OF MEMBERS

(A) The Village Board may, pursuant to Section 19.89, (1993-1994), Wisconsin Statutes, adopt written rules to exclude members of the Village Board from closed meetings of any committees, commissions, agency boards or any other special government units of the Village if those committees, commissions, boards or other special government units of the Village are subunits of the Village Board.

(B) No member of the Village Board may be excluded from an open or closed meeting of the Village Board.

(C) No member of the Village Board that has or believes he or she has any direct or indirect conflict or conflicts as noted shall knowingly attend or continue to remain at any closed or open meeting of any committee, commission, agency, board or any other special government units of the Village where at these meeting items related to the conflict will be discussed and/or will be voted upon.

(D) The Village Clerk shall have the right to attend all closed sessions of the Village Board unless the Village Board by a majority vote excludes the Village Clerk from any particular closed session.

(8) **STATE LAW.** The Village Board and any member of any committee, commission, agency, board or any other special government units of the Village shall comply with all applicable provisions of the State open meeting law (Chapter 19, (1993-1994) Wisconsin Statutes). Any meeting established, notices provided and any employee and by any agents of the Village of New Auburn shall comply with all applicable provisions of the State open meeting law (Chapter 19, (1993-1994) Wisconsin Statutes).

4.02 OFFICIAL VILLAGE NEWSPAPER ORDINANCE

(1) OFFICIAL VILLAGE NEWSPAPER

(A) The Village Board, pursuant to Section 985.05 (1993-1994) Wisconsin Statutes, may designate an official Village of New Auburn newspaper. This official Village newspaper, if designated, shall publish all legal notices published in a newspaper by the Village unless otherwise specifically required by State law. This official newspaper must be published or have general circulation in the Village and must be eligible under Section 985.03, (1993-1994) Wisconsin Statutes, as its official Village newspaper or utilized the same for specific notice.

(B) If at any time the Village has no official newspaper and under State law, publication in an official newspaper is required, then the Village Board may provide for publication in a newspaper published or generally circulated in the Village of New Auburn after the newspaper is so designated under Sections 66.01 to Section 66.08, (1993-1994) Wisconsin Statutes. If no newspaper is published in the Village, the Village may provide proper publication by publishing in a newspaper published in the Counties of Chippewa or Barron having general circulation in the Village of New Auburn if the newspaper is designated by the proper Village officers and special government units conducting any proceeding or meetings noted in Sections 66.01 to 66.08, (1993-1994) Wisconsin Statutes; and by the posting by the Village officers, their designee or by the special government unit conducting the proceeding or meeting in at least three (3) public places in the Village. If no newspaper qualifies and cannot be designated by the proper Village officers and special government units conducting the proceedings or meetings under Section 66.01 to 66.08, (1993-1994) Wisconsin Statutes, then the above-noted posting shall be sufficient publication.

(2) ADOPTION OF RESOLUTION FOR OFFICIAL VILLAGE NEWSPAPER.

The Village Board authorizes by adoption of this ordinance that the official Village newspaper shall be the "Bloomer Advance".