



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
WAUWATOSA, WISCONSIN 53213
Telephone: (414) 479-8917
Fax: (414) 479-8989
Web Site: www.wauwatosa.net

COMMITTEE OF THE WHOLE

Tuesday, May 4, 2010
Council Chambers

PRESENT: Alds. Berdan, Causier, Jay (6:49 p.m.), Meaux, Nikceovich (6:14 p.m.), Pantuso, Wilke - 7

EXCUSED: Ald. Wilson

ABSENT: Alds. Birschel, Ewerdt, Donegan, Hanson, Herzog, McBride, Organ, Walsh

ALSO PRESENT: City Attorney Alan Kesner.

Ald. Meaux as chair called the meeting to order at 6:05 p.m.

New Council members orientation

Mr. Kesner gave an overview of Wisconsin Open Meetings Law, Ethics for Local Government Officials, Open Records Law, and Council meeting procedures. He noted that open meetings law is often referred to as the "sunshine law". The requirements can be found in Section 19.81(1) of the state code. It basically means the decisions by the Council are to be made in public. He pointed out that this is easy to do in Wauwatosa since the Council and the Standing Committees are broadcast on the public access channel. The public can see what is happening. All meetings must be held in public places that are reasonably accessible to members of the public. Before the meeting a proper agenda should be posted in public places with advance notice.

Mr. Kesner advised that the open meetings law applies when there is a purpose and the number of Council members present is sufficient to determine the governing body's course of action. He noted that four aldermen is not a meeting, but five and over is. The attendees need not actually discuss a matter or otherwise interact with one another to be engaged in governmental business.

Mr. Kesner explained that a walking quorum occurs when Council members are contacted by phone or email to determine how they will vote. Email is a public record and email discussions can be a meeting. Email can be a record or a communication. He stressed that everything in Wauwatosa is saved. It is the responsibility of Council members to avoid the appearance of holding a meeting not in accordance with open meetings law. In a related topic, Mr. Kesner advised against whispering during meetings. He urged Council members to refrain from debate, deliberation, or discussion away from public view.

With regard to meetings in closed session, Mr. Kesner advised that meetings can go into closed session if they are properly noticed on the agenda with the proper state statute paragraph. The only time a meeting cannot go into closed session is for final ratification of a collective bargaining unit.

Mr. Kesner said that open meetings are an essential function of representative government, and the basic tenet of our democratic system.

Mr. Kesner spoke about open records law. He noted that the request for open records does not have to be made in writing. The requestor does not have to identify themselves or state the purpose for the request. The requestor must be reasonably specific about the content of the records they are looking for.

Mr. Kesner advised that elected officials are legal custodians of their own records. As custodian they must respond to an open records request. If request is made in writing the custodian must respond in writing. Any reasons for denial must be specific and sufficient. Open records requests have the potential to involve litigation. He noted that he does email searches of the Council members' email, but only for specific requests.

Mr. Kesner continued with the code of ethics. The purpose of which is to strengthen citizens' confidence in the integrity of government officials. He stressed that public officials cannot use their office for private benefit. No local official may solicit or accept anything of value.

Mr. Kenser commented on meeting procedures. He noted that Section 2.02.010 of the state code applies to the Common Council as well; however, some boards and committees can relax the rules. There can be no debate on a motion to adjourn, to hold an item or to close debate. He urged Council members to avoid personality conflicts. He noted that according to Robert's Rules of Order no member shall speak more than twice on any question. A roll call vote can be requested on any question.

Mr. Kesner finished with some quotes on civil behavior from George Washington written when he was just fifteen years old.

The meeting adjourned at 7:04p.m.

Carla Ledesma, City Clerk
City of Wauwautosa

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