

GOVERNOR'S EQUITY AND INCLUSION ADVISORY COUNCIL MEETING

FEBRUARY 19, 2021

10:00 am – 1:00 pm





CALL TO ORDER

- Review meeting agenda, meeting procedure
- Announcements

REMARKS

- Governor
- Lt. Governor
- Secretary
Brennan
- Secretary Crim

INTRODUCTIONS

COUNCIL MEMBERS

Provide name and organization and answer question: *How are you showing up to today's meeting (ex., excited, ok, apprehensive, tired)?*



- State Government adopted definitions of Diversity, Equity, and Inclusion
- DPM Staffing
- Term Limits, Officers, Sub Committees
- Proposed Meeting Schedule

COUNCIL OPERATIONS





PROPOSED MEETING SCHEDULE

Quarterly: February, May, August, November

Days: Friday's, 9:00 am-12:00 pm

COUNCIL MEMBER TRAINING

Open Meetings Law



A photograph of the Wisconsin State Capitol building in Madison, featuring its iconic green dome and classical architecture, viewed from a street-level perspective with trees and other buildings in the background.

Wisconsin's Open Meetings Law: An Introduction

Wis. Stat. §§ 19.81-19.98

Presentation Prepared by DOA Division of Legal Services

Promoting openness in government

- Aims to promote openness in government and to provide Wisconsin citizens with an opportunity to observe and learn about their government's operations.
- Wis. Stat. § 19.81(1): "In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business."
- Interpreted broadly.



Public notice + open session

- Wisconsin's open meetings law requires that every **meeting** of a **governmental body**:
 - be preceded by **public notice**, *and*
 - be held in **open session**.
- Subunits of governmental bodies (e.g. subcommittees) are also bound by the open meetings law. Therefore, the same notice + open session requirements apply.

What is a governmental body?

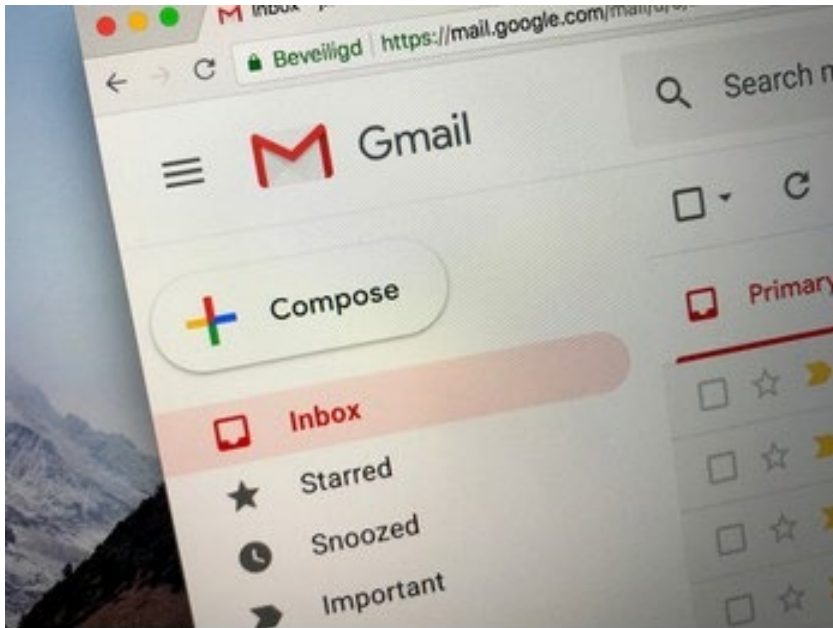
- Wis. Stat. § 19.82(1): “a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order . . . or a formally constituted subunit of any of the foregoing”.
 - Even if the body is only advisory and has no powers to make binding decisions.
- Subunit = created by parent body and composed exclusively of members of the parent body.
 - For example, a subcommittee.

What is a meeting?

- Wis. Stat. § 19.82(2): “the **convening of members** of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body”
- Such a gathering is a meeting if members **intend to engage in governmental business**, *and* the **number of members present** is enough to determine the governmental body’s course of action.



Convening electronically



- Electronic communication: Is it more like written correspondence, or an in-person discussion with rapid back-and-forth exchanges of views among multiple members?
- Email can quickly turn into a real-time flow of information, involving enough members to control an action by the body.
- DOJ strongly discourages against using e-mail to communicate about issues within the body's remit.
- If e-mail is used, take precautions to avoid inadvertently violating the law:
 - E-mail should be used mainly to transmit information one-way to members.
 - *If* a reply is needed, reply **only** to the message's originator. Do not forward or hit "reply all."
 - Recipients must be careful to minimize the content and distribution of their replies.

Public notice: To whom, and how, must notice be given?

- Notice of a meeting must be given to the public, to members of the news media who have submitted a written request for notice, **and** to the official newspaper designated under Wis. Stat. §§ 985.04-985.06 (or, if none exists, then to a news medium likely to give notice in the area).
- The notice must state **the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, in such form as is reasonably likely to apprise members of the public and the news media thereof.** This includes topics which the governmental body is aware may come up.



Timing

- Notice must be given **at least 24 hours** before the start of the meeting, “unless for good cause such notice is impossible or impractical.”
 - In that scenario, notice must be given **no less than two hours** before the meeting.
- Separate notices are required for each meeting of a governmental body, at a time and date reasonably close to the time and date of the meeting (again, at least 24 hours in advance).
 - A single notice listing all meetings to be held over a period of time is inadequate.



What is open session?

- Open session = held in a place reasonably accessible to members of the public and open to all citizens at all times.
 - “Reasonably accessible” depends on the specific facts.
- The open meetings law generally gives citizens the right to attend and observe open session meetings of governmental bodies, but does not require the governmental body to allow them to speak or actively participate.
- Every meeting of a governmental body must initially be convened in open session.
- All business of any kind - formal or informal - must be initiated, discussed, and acted upon in open session, unless one of the exemptions set forth in Wis. Stat. § 19.85(1) applies.

Conducting the meeting

- Can discuss:
 - Topics described in the notice;
 - Any aspect of a topic described in the notice;
 - Other issues if reasonably related to that topic.
- If a separate topic not specifically described in the notice comes up, the body should not discuss or engage in any information-gathering, or take any action which would deprive the public of information about the conduct of governmental business regarding this topic.
- Don't have to actually discuss every item listed in the notice.
 - When appropriate, may cancel a previously planned discussion or postpone it to a later date.
 - Don't have to follow the agenda in the order listed in the meeting notice, unless an agenda item has been noticed for a specific time.

Public comment period

- A governmental body may designate in the notice part of the meeting as a “public comment period,” during which the body may receive information from members of the public and may discuss any matters raised by the public.
- During the public comment period, if a member of the public raises a subject that did not appear in the notice the body should limit discussion of that subject and defer any extensive deliberation to a later meeting for which more specific notice can be given.
- The body may not take formal action on a subject raised in the public comment period unless that subject was also identified in the notice.

Closed sessions

- If the chief presiding officer or his/her designee knows at the time of giving notice of a meeting that a closed session is contemplated, the notice must include the subject matter to be considered in closed session and the exemption(s) under Wis. Stat. § 19.85(1) that authorizes the closed session.
- If the chief presiding officer was not aware of a possible closed session at the time of the notice, a governmental body may still go into closed session (if authorized under § 19.85[1]) to discuss a topic contained in the notice for the open session, as long as the governmental body follows the procedure in § 19.85(1).

Recordkeeping requirements

- A governmental body must create and preserve a record of all motions and roll-call votes at its meetings (both open and closed sessions).
- Nothing in the law prevents a governmental body from making decisions by general consent, without a formal vote.
 - But it still must create and preserve a reasonable record of that decision.
- “Consent agendas” (where a body discusses individual items of business under separate agenda headings, but adopts a single motion to approve all items discussed) are likely insufficient.



By the way, there's a pandemic going on



- Remotely held meetings are still “meetings” under the law, even if members don’t convene in the same physical space.
- The specific medium or platform is irrelevant.
- The public must still be able to attend these meetings.
 - Same notice + open session requirements apply, with some additions . . .

Remote Meetings

- B.C. (before COVID) . . .
 - At a minimum – and under normal circumstances – the DOA’s Div. of Legal Services advises broadcasting the teleconference or videoconference at a location that is open to the public.
 - This can be as simple as having a single staff person or council member dialed in from a conference room, with no one else present but those members of the public who cannot join remotely.
 - Publicizing the phone number and access code (teleconference), or Zoom/YouTube information (videoconference), is a bonus.
- Fact-specific (audience’s phone/internet capabilities; are they housebound; will any information be presented that can only be communicated visually; etc.)
- Any written materials/literature/informational handouts for members of the public should be available at the broadcast site. If there is no broadcast site, or if people cannot make it there, the materials must be made available another way.
- Public notice: The notice for a remote meeting should state what arrangements have been made for the public to attend remotely, in addition to the normal notice requirements.

Further information about remote meetings

- https://www.doj.state.wi.us/sites/default/files/news-media/3_20_20_OOG_Final.pdf
- <https://www.doj.state.wi.us/news-releases/office-open-government-advisory-coronavirus-disease-2019-covid-19-and-open-meetings>

Contact the DOA Division of Legal Services with questions.

- These guidelines may not address every possible scenario. Please contact a DOA attorney with questions.
 - Anne Hanson, Chief Legal Counsel, Anne.Hanson@wisconsin.gov
 - Alex Arkin, Legal Counsel, Alexandra.Arkin@wisconsin.gov

COUNCIL PRIORITIES

- Group Discussion and Report Out

Based on the Council's Charge, what three (3) areas would you like to see the Council focus on over the next two (2) years?



FUTURE MEETING AGENDA ITEMS

- Guiding Principles
- EO59 Update
- Overview of How State Government Works
- State of Wisconsin Councils and Commission Appointment process



CLOSING REMARKS & ADJOURN



EQUITY & INCLUSION

GOVERNOR EVERS' 21-23 BUDGET RECOMMENDATIONS

TOPLINES

- Governor Evers believes that we must build a Wisconsin that works for everyone.
- Governor Evers' budget includes equity-focused initiatives throughout, including "Wisconsin for All," which will focus on equity in state government and state services, and the Community Reinvestment Fund, which will direct funds to community organizations and to businesses owned by people of color.
- It is important for state government to reflect the people that it serves. It is also important for the state to be a leader in promoting equity and addressing racial disparities in our communities.
- The governor's proposal is a concrete step forward to foster the creation of equity, unlike the smoke and mirrors we've seen from the legislature.
- Governor Evers recognizes that equity permeates and connects everything we do – These initiatives are just a piece of the equity-focused investments Governor Evers will propose in his budget.

OVERVIEW

Wisconsin For All

Governor Evers' budget will include the "Wisconsin for All" initiative, which will foster the creation of an equity infrastructure within state government. The initiative will include the following components:

- Leading a state diversity, inclusion and equity conference, as well as establishing workshops and seminars for HR staff and state/local government employees.
- Establishing a Governor's Fellowship Program, which would be an eight-week paid fellowship program for 6-10 rising college seniors of diverse backgrounds to gain experience working on policy initiatives within state government.
- Establishing the Governor's Wisconsin Progress Summit. The summit would be a twice-annual summit for local, state and tribal leaders to discuss data and initiatives regarding equity and outcomes for Wisconsinites, including in areas of racial justice, economic equity, education, housing and employment.
- Expanding the Wisconsin Supplier Diversity Program to include new supplier certifications for Disability-Owned Business Enterprises and LGBT-Owned Business Enterprises. Additionally, the fee currently charged for the disabled veteran-owned and women-owned business certification programs would be eliminated.

The initiative will also include the creation of a cabinet-level Chief Equity Officer and Equity Officers embedded within the secretary's offices of 18 state agencies. The agency Equity Officers would work with the chief equity officer to identify opportunities to advance equity in government operations. This includes determining how current government practices and policies impact communities of color and individuals with disabilities.

Finally, DOA will manage an equal opportunity paid internship program, which will allow for 16 internship slots in the Governor's Office and executive branch agencies. Interns must be at least 18 years old and from a household whose income does not exceed 300% FPL. Interns will be paid at least \$15 an hour, for up to 20 hours a week.

Wisconsin For All	FY22	FY23
Diversity, Inclusion Equity Conference	\$50,000	\$50,000
Governor's Fellowship Program	\$66,000	\$66,000
Wisconsin Progress Summit	\$16,000	\$16,000
Chief Equity Officer	\$133,700	\$130,700
Paid Internship Program	\$228,900	\$228,900
Agency Equity Officers*	\$440,600	\$593,700
	\$935,200	\$1,085,300

*Reallocated positions are not included in these figures.

Community Reinvestment Fund

Almost \$80 million of the revenue generated from marijuana legalization will be deposited into a segregated fund called the "Community Reinvestment Fund" beginning in FY23. This includes 60% of the revenue generated from the wholesale excise tax and 60% of the retail excise tax. Through the Community Reinvestment Fund, revenue from marijuana legalization will be reinvested into Wisconsin communities, in recognition of the disproportionate impact marijuana enforcement has had on communities of color. In the first year, the items in the Community Reinvestment Fund will be funded with GPR. In FY23, the Fund will be supported by marijuana revenue.

The Community Reinvestment Fund will fund equity grants at DHS, DOA, and DCF to support groups working to promote diversity and advance equity and inclusion. This will ensure that funding goes directly to the groups doing the work in this important space. Additionally, the Fund will support grants through WEDC for underserved communities throughout Wisconsin. Finally, the Fund will also be used to support sparsity aid.

Community Reinvestment Fund*	FY22	FY23
DOA Equity Grants	\$5,000,000 GPR	\$5,000,000 SEG
DCF Equity Grants	\$5,000,000 GPR	\$5,000,000 SEG
DHS Community Health Worker Grants	\$5,000,000 GPR	\$10,000,000 SEG
DHS Equity Action Plan Grants	\$5,000,000 GPR	\$10,000,000 SEG
WEDC Community Grants	\$5,000,000 GPR	\$5,000,000 SEG
Sparsity Aid	\$34,736,000 GPR	\$34,852,800 SEG
Total	\$59,736,000	\$69,852,800

*Appropriations from the Community Reinvestment Fund will begin in FY23, when the excise taxes from legalization of marijuana will begin to generate revenue. To ensure these programs are funded across the biennium, they are budgeted to be funded from GPR in FY22.

Promoting Health Equity

The disparities in access to healthcare and in health outcomes, particularly for communities of color that face systemic racism, are unacceptable. In addition to initiatives proposed in the governor's previous budget, Governor Evers established the Health Equity Council, which has convened a diverse group of leaders tasked with developing a roadmap to reduce and ultimately eliminate health disparities over the next decade. Taking bold action to address disparities is an essential component of the governor's healthcare budget. The governor proposes:

- Investing \$25 million in efforts to address social determinants of health like housing, nutrition, and transportation.
- Allocating over \$30 million to promote community-based health equity initiatives.

- Investing nearly \$30 million in a Healthy Women, Healthy Babies Initiative aimed at improving women's health and birth outcomes.
- Expanding services and investing over \$12 million to comprehensively address lead Childhood poisoning.
- Increasing access to dental services in the state and addressing dental provider shortages

Broadband Access & Affordability

Access to reliable, high-speed, affordable internet is an equity issue. Broadband access is an essential catalyst for economic development and community health across the state of Wisconsin. Broadband access affects healthcare, tourism, agriculture, manufacturing, public safety, energy, and commerce – and serves as a gateway to education, employment opportunity, workforce readiness, essential services, telehealth, and civic participation. That's why the governor is building on his first budget by proposing a more than \$205 million investment into broadband programs over the biennium.

One of the initiatives included within the proposal is the creation of a new program at DCF that is aimed at improving internet access and affordability. The budget includes \$20 million annually for this purpose, including \$10 million GPR and \$10 million TANF funds per year to help families at or below 200 percent of the federal poverty level. On behalf of these families, the department will work with community action agencies to reimburse the appropriate Internet service providers on a monthly basis. Having access to the Internet is another way to help families find and keep employment and allow kids do their homework and improve opportunities for success in the classroom.

Securing Environmental Justice & Building Resilience

Communities of color and low-income communities face an unjust risk to the health, economic, and environmental impacts of climate change. Whether it's in our largest cities, or within our rural communities, too many individuals in our state are in danger of being exposed to air and water pollution, rely on older and less-efficient infrastructure, and live in areas prone to extreme heat and flooding. The governor's budget includes proposals to address inequities, and make communities more resilient, including:

- Creating the Office of Environmental Justice within the Department of Administration, which will facilitate collaboration across state agencies and engage with environmental justice advocates communities of color, Native Nations, and low-income populations to design climate policies that reduce emissions and pollutants and address the cumulative and deadly impact of their concentration within those communities.
- Creating a Chief Resilience Officer within the new Office of Environmental Justice to help develop and oversee state and local government risk assessment and resilience plans.
- Providing \$1,800,000 GPR in each year for grants to counties for additional county conservation staff to support climate change resiliency efforts.
- Investing more than \$30 million in programs that help build resilient roads and infrastructure, restore wetlands to prevent catastrophic flooding, support farmers when their crops are damaged, as well as an innovative first of its kind program to help Wisconsinites purchase flood insurance.
- Establishing a technical assistance grant program to assist municipalities and tribal nations to develop a plan to be carbon-free by 2050.

Transit & Accessibility

Governor Evers' budget makes an investment in transit to improve interconnectivity of our communities. Increased transit access will allow our workforce to get to jobs and reduce traffic, congestion, and emissions. The governor's budget includes the following provisions:

- Increases support for general transit operating assistance.
- Increases investment in programs that supplement public transit.
- Increases support for job access transit programs to cover more parts of the state than ever.
- Allows local government to collaborate and fund cross-jurisdiction transit corridors.

Additionally, the governor's budget includes multiple proposals that aim to make it easier for every Wisconsin resident to safely and legally drive on Wisconsin roads:

- The governor proposes allowing for a waiver of the driver's skills test if all requirements have been met.
- The governor proposes the opening of two new customer service centers for the division of motor vehicles in Dane and Brown County to increase access.
- To ensure that all persons residing in Wisconsin can access jobs and are qualified to operate a vehicle, the governor recommends the issuing driver's license and identification cards to otherwise eligible undocumented Wisconsinites.

Equity in Education

While Wisconsin is a high-achieving state overall, we have some of the largest and most persistent achievement gaps in the country. The pandemic threatens to widen those gaps and we must be intentional in tackling them in a holistic way, from investing in quality, affordable early childhood education to making sure higher education is accessible and affordable. The governor's budget provides a significant general aid increase of over \$600 million over the biennium and restores the state's historic two-thirds funding commitment for public schools beginning in FY22.

The governor knows that state investment in special education services is critical for providing enhanced direct support to students with disabilities. To address the relatively flat level of reimbursement that has been all too often preferred by the Legislature, the governor recommends over \$709 million for special education aid to achieve reimbursement rates of 45% in FY22 and 50% in FY23.

Every student in Wisconsin deserves the opportunity to have success in our schools. The number of English Learners (EL) in Wisconsin continues to increase rapidly; therefore, so does the need for school districts to increase capacity to provide additional supports to help these students succeed. Governor Evers budget proposes making an intentional investment in EL funding and ensuring those students and educators have what they need to thrive, including increasing state aid for EL by \$28 million over the biennium and creating a new grant program to help staff obtain licensure as a bilingual teacher or teacher of English as a second language.

Finally, the governor's budget proposes addressing the negative impacts of race-based high school nicknames, logos, mascots, and team names by providing funding for grants to school boards that adopt a resolution to replace them. Currently, 29 school districts have team nicknames that use American Indian mascots or symbols.

Building an Equitable Badger Bounceback

A top priority for Governor Evers in this budget is providing needed support as Wisconsin works to recover and bounce back from the pandemic. However, it is critical that the Badger Bounceback is equitable. Existing inequalities threaten to widen if we do not take a thoughtful, equitable approach to jumpstarting Wisconsin's economy in the budget. That's why Governor Evers' budget includes:

- Providing \$10 million over the biennium in assistance dedicated to underserved communities and businesses, including minority and women-owned businesses.
- Supporting tribal economic development by providing \$390,000 in tribal gaming revenue annually to WEDC to support businesses and communities among Wisconsin's 11 federally recognized Native Nations.
- Proposing a \$100 million venture capital program to jumpstart innovation and startup growth in Wisconsin while requiring that at least 20% of the total funds under management be invested in minority-owned or women-owned firms or in businesses that are located in underserved areas.

Workers

The COVID-19 pandemic has also exposed how critical—and all too often underpaid— many workers are to keeping our communities and economy running. The governor believes that these workers deserve the opportunity to work together to have a say in their workplace, especially during the unprecedented public health and economic crisis as well as in any future challenges. The governor recommends modifying current law to allow state and local frontline workers to negotiate together. Frontline workers are defined as employees whose jobs entail regular interaction with members of the public or with large populations of people or directly involves the maintenance of public works. The governor also proposes requiring public employers to meet at least quarterly or upon change in policies affecting wages, hours and working conditions to consult with employees.

Additionally, the governor is proposing the following initiatives:

- Investing \$10 million over the biennium within the framework of Wisconsin Fast Forward to support training for individuals, businesses and organizations affected by the pandemic.
- Investing \$9.7 million to create a new “customer centric” worker program within the Department of Workforce Development. Individuals will work with Career Coaches to assist them in overcoming barriers to employment and obtain meaningful employment.
- Providing \$7.8 million over the biennium to begin the statewide expansion of the Transitional Jobs program, which provides subsidized employment services to unemployed, low-income adults who are not W-2 participants and who are ineligible for unemployment insurance benefits.

Tax Fairness

The governor's 2021-23 biennial budget builds on the middle-income tax relief provided by the 2019-21 biennial budget. The governor's 2021-23 proposals add approximately \$450 million in tax relief for low and moderate-income Wisconsinites, especially to those with children or those who provide care to family members. These taxpayers have faced increased adversity during the COVID-19 global pandemic. To that end, the governor is proposing the following provisions:

- Greatly increasing Wisconsin's supplement to the federal Earned Income Tax Credit (EITC) for working families with one or two children. Targeted tax relief through EITC has been shown to be effective in reducing child poverty, yet Wisconsin's credit for those with one or two children lags most other states and should be increased.
- Enhancing the Homestead Credit to provide increased relief to lower-income Wisconsinites to meet their property tax and rent burdens.
- Creating a new nonrefundable child and dependent care credit to assist families struggling with the cost of child care.
- Creating state tax-advantaged first-time homebuyer savings accounts in an attempt to increase the number of first-time homebuyers.

- Creating a nonrefundable Wisconsin supplement to the federal Work Opportunity Credit (WOTC) to help individuals who face persistent barriers to employment by providing an incentive for employers to hire targeted groups. Even before the pandemic and its economic effects, a variety of groups faced acute difficulties in accessing employment, including veterans, justice-involved individuals, TANF recipients and certain other public assistance recipients.

Higher Education Affordability

The governor believes all Wisconsinites should have access to high-quality public education from early childhood to our university and technical college systems. The pandemic poses new and unprecedented concerns about the ability to pay for higher education, and that impact is felt more acutely by low-income individuals and communities of color. It is more important than ever for the state to make significant investments in our higher education systems to ensure every Wisconsinite has the opportunity to continue their education. The governor's budget includes the following provisions:

- Expanding UW-Madison's successful "Bucky's Tuition Promise" program to all UW System campuses by providing \$13.8 million in FY22 and \$25.2 million in FY23. The program provides four years of free tuition to resident low-income students.
- Expanding UW System nonresident tuition exemptions to: (a) certain members of Native American tribes in Wisconsin and contiguous states; (b) undocumented individuals; and (c) resident active-duty military service members and their families who are relocated to another state by the service agency.
- Increasing Wisconsin grant appropriations by 10% in each year of the biennium for need-based financial aid for eligible students attending UW System, WTCs, private non-profit, and tribal colleges.
- Doubling funding for the need-based Minority Undergraduate Retention Grant program, which provides minority students with grants of up to \$2,500 per year to offset postsecondary education costs.

Child Care

Now, more than ever, Wisconsin's work to address pervasive challenges around equity, access, quality, and affordability within the early child care (ECE) system are imperative to helping the state move forward. Without a robust, well-funded ECE system, Wisconsin's ability to continue its economic recovery will not reach its full potential. In this budget, the governor has included an historic, new investment in the Child Care Strong initiative to address quality, affordability, access and equity for children both in Shares and unsubsidized child care. Over \$70 million annually in funding is allocated for this purpose and is focused on an investment in infant and toddler care and the ECE workforce.

Additionally, the budget continues funding for a child care quality program that is targeted to the 53206 zip code area of Milwaukee, one of the most economically disadvantaged areas in the state, and expands the services to families in adjacent zip codes. The funding in the budget supports access to quality early childhood care by helping child care providers increase the overall level of quality of their programs, by increasing funding for the TEACH and REWARD programs as well as funding that would support additional training for child care workers at the Milwaukee Area Technical College.

Further, the budget includes \$1,327,200 TANF in fiscal year 2021-22 and \$1,963,900 TANF in fiscal year 2022-23 for early childhood social emotional training and technical assistance. The overall goal of this program is to reduce instances of children being removed from daycare for behavioral issues.

Finally, during COVID-19, Family Medical Leave Act (FMLA) laws were temporarily changed to allow individuals to use leave when their child care provider closed. The governor is proposing to continue this change permanently under state FMLA laws.



AGENDA

Governor's Equity and Inclusion Council Meeting

February 19, 2021 10:00 am – 1:00 pm

IMPORTANT NOTICE - This is a virtual meeting. All Council members will be attending this meeting via Zoom invitation. Members of the public may also view the meeting via Livestream available in the Public Notice. No physical access will be available. If you would like your attendance documented in the minutes, or would like to provide feedback to the Council contact: DOAGovernorequitycouncil@wisconsin.gov



Presenter/Facilitator Estimated Time	Agenda item	Action Item 
10:00-10:10am Sec. Dawn Crim, Malika Evancko	A. Call to Order 1. Review meeting agenda, meeting procedure 2. Announcements	
10:10-11:10am Sec. Dawn Crim, Malika Evancko	B. Remarks and Introductions 1. Remarks: Governor, Lt. Governor, Secretary Brennan, Secretary Crim 2. Introductions: Council Members <i>Council members introduce themselves (name, organization) and answer question: How are you showing up to today's meeting (i.e., excited, ok, apprehensive, tired)?</i>	
11:10 – 11:30am Malika Evancko, Sec. Dawn Crim	C. Council Operations 1. State Government adopted definitions of Diversity, Equity, and Inclusion 2. DPM Staffing 3. Term Limits, Officers, Sub Committees 4. Proposed Meeting Schedule	
11:30 – 11:50am Anne Hanson, DOA Chief Legal Counsel	D. Council Member Training 1. Open Meetings Law: An Introduction	
11:50am – 12:45pm Sec. Dawn Crim	E. Council Priorities 1. Group Discussion and Report Out <i>Council members respond to question: Based on Council's Charge, what three (3) areas would you like to see the Council focus on over the next two (2) years?</i>	
12:45 – 12:50pm Malika Evancko	F. Future Meeting Agenda Items 1. Guiding Principles 2. EO59 Update 3. Overview of How State Government Works 4. State of Wisconsin Councils and Commission Appointment process 5. Governor's Budget Update	
12:50 - 1:00 pm Sec. Dawn Crim	A. Closing Remarks & Adjourn	

Documents for this meeting are available on-line at <https://Equitycouncil.wi.gov>. This agenda is posted at the Department of Administration State Office Building and on the Wisconsin Public Meeting Notice Website. If you need special accommodations, please contact Laurice McGinnis Lincoln at Laurice.lincoln@wisconsin.gov or (608)-609-5031. Wisconsin Relay Service 7-1-1.

Robert's Rules of Order Cheat Sheet

TYPES OF MOTIONS

1. **Main Motion:** Introduce a new item
2. **Subsidiary Motion:** Change or affect how to handle a main motion (vote on this before main motion)
3. **Privileged Motion:** Urgent or important matter unrelated to pending business
4. **Incidental Motion:** Questions procedure of other motions (must consider before the other motion)
5. **Motion to Table:** Kills a motion
6. **Motion to Postpone:** Delays a vote (can reopen debate on the main motion)

EVERY MOTION HAS 6 STEPS

1. **Motion:** A member rises or raises a hand to signal the chairperson.
2. **Second:** Another member seconds the motion.
3. **Restate motion:** The chairperson restates the motion.
4. **Debate:** The members debate the motion.
5. **Vote:** The chairperson restates the motion, and then first asks for affirmative votes, and then negative votes.
6. **Announce the vote:** The chairperson announces the result of the vote and any instructions.

TIP! If the board is in obvious agreement, the chairperson may save time by stating, "If there is no objection, we will adopt the motion to..." Then wait for any objections. Then say, "Hearing no objections, (state the motion) is adopted." And then state any instructions. If a member objects, first ask for debate, then vote and then announce the vote.

REQUESTING POINTS

Certain situations need attention during the meeting, but they don't require a motion, second, debate or voting. It's permissible to state a point during a meeting where the chairperson needs to handle a situation right away. Board members can declare a Point of Order, Point of Information, Point of Inquiry or Point of Personal Privilege.

Point of Order: Draws attention to a breach of rules, improper procedure, breaching of established practices, etc.

Point of Information: A member may need to bring up an additional point or additional information (in the form of a nondebatable statement) so that the other members can make fully informed votes.

Point of Inquiry: A member may use Point of Inquiry to ask for clarification in a report to make better voting decisions.

Point of Personal Privilege: A member may use Point of Personal Privilege to address the physical comfort of the setting such as temperature or noise. Members may also use it to address the accuracy of published reports or the accuracy of a member's conduct.

* A member may make a Motion to Reconsider something that was already disposed; however, the reconsidered motion may not be subsequently reconsidered. A Motion to Reconsider must be made during the same meeting and can extend to a meeting that lasts for more than one day.

ACTION	WHAT TO SAY	CAN I INTERRUPT SPEAKER?	NEED A SECOND?	CAN BE DEBATED?	CAN BE AMENDED?	VOTES NEEDED
Introduce main motion	"I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move to amend the motion by..." (Add or strike words or both)	No	Yes	Yes	Yes	Majority
Move item to committee	"I move that we refer the matter to committee."	No	Yes	Yes	No	Majority
Postpone item	"I move to postpone the matter until..."	No	Yes	Yes	No	Majority
End debate	"I move the previous question."	No	Yes	Yes	No	Majority
Object to procedure	"Point of order."	Yes	No	No	No	Chair decision
Recess the meeting	"I move that we recess until..."	No	Yes	No	No	Majority
Adjourn the meeting	"I move to adjourn the meeting."	No	Yes	No	No	Majority
Request information	"Point of information."	Yes	No	No	No	No vote
Overrule the chair's ruling	"I move to overrule the chair's ruling."	Yes	Yes	Yes	No	Majority
Extend the allotted time	"I move to extend the time by ____ minutes."	No	Yes	No	Yes	2/3 vote
Enforce the rules or point out incorrect procedure	"Point of order."	Yes	No	No	No	No vote
Table a motion	"I move to table."	No	Yes	No	No	Majority

Robert's Rules of Order

Tips and Reminders

Robert's Rules of Order, which is also widely known as parliamentary procedure, was developed to ensure that meetings are fair, efficient, democratic and orderly. The following [tips and reminders](#) will help chairpersons to run a successful and productive meeting without being run over or running over others.



Follow the agenda to keep the group moving toward its goals.



Let the group do its own work; don't over-command.



Control the flow of the meeting by recognizing members who ask to speak.



Let all members speak once before allowing anyone to speak a second time.



When discussions get off-track, gently guide the group back to the agenda.



Model courtesy and respect, and insist that others do the same.



Help to develop the board's skills in parliamentary procedure by properly using motions and points of order.



Give each speaker your undivided attention.



Keep an emotional pulse on the discussions.



Allow a consensus to have the final authority of the group.

SPECIAL TIPS AND REMINDERS FOR ELECTRONIC MEETINGS

The COVID-19 pandemic is requiring many boards to use the electronic meeting format for board meetings to help prevent the spread of the virus. These tips and reminders for electronic meetings will ensure that your board is following good governance practices and will help you to run your electronic meetings more smoothly.

The National Association of Parliamentarians offers the following four sets of guidelines for conducting electronic meetings.

1. Revise your bylaws to authorize electronic meetings. Review the specific language in the bylaws to ensure that the rules clearly state what's required to hold an electronic meeting that qualifies as an official board meeting.
2. Bylaws authorize absent members to participate electronically; however, the entire meeting cannot be conducted electronically. Note the difference between a fully electronic meeting and permissible electronic participation for what is largely an in-person meeting. The bylaws should state clear rules for allowable locations and quorum requirements. For example, do the bylaws allow the chair to host an electronic meeting with one member in attendance and the remainder of the members attending via electronic means?
3. Hold informal electronic meetings without transacting official business. For boards that aren't permitted by their bylaws to hold official electronic meetings, their bylaws may allow them to meet via electronic means informally for discussions. Official decisions would then have to wait to be voted on until the organization could hold an official board meeting.
4. Bylaws may authorize boards to transact business without holding a meeting—for example, via telephone or email. Where this is allowed, boards wouldn't have to meet in person. Boards could discuss matters informally and transact official business in the manner described by the bylaws.

TIPS TO MAINTAIN GOOD GOVERNANCE DURING ELECTRONIC MEETINGS

1. The secretary should post the date and time, URL, and any meeting passcodes in the agenda well before the meeting starts. Ideally the agenda is stored within a secure board management platform, like BoardEffect. The secretary should also set up an alternative audio connection to the internet meeting platform along with the phone number and access codes for those that can only participate by phone.
2. The secretary should set up the meeting time for at least 15 minutes before the actual meeting start time to allow members time to enter the platform and resolve any technical difficulties.
3. Members should identify themselves upon entering the meeting and plan to remain on the platform for the duration of the meeting. If they need to leave early, they should sign out of the platform as they leave the meeting.
4. Each member is responsible for their own audio and internet connections. Boards shouldn't invalidate any actions because an individual member's electronic connection prevented them from participating in the meeting.
5. The chair may mute or disconnect a member's connection if it's causing interference with the meeting. If the chair makes this decision, it's subject to any member requesting an undebatable appeal. The decision and the appeal should be announced during the meeting and be recorded in the meeting minutes.
6. If the chair recognizes a member to speak on the floor, the chair should clear the queue of members who also sought recognition. Members can seek recognition again and the chair should recognize a member for the purpose of determining whether the member is entitled to preference in recognition.
7. Certain groups are too large for everyone to be seen on video. The chair, secretary or tech assistant should arrange the platform so that the chair's video is pinned to the screen throughout the meeting. Also, the person handling tech issues should arrange the platform so that a member being recognized to speak has that person's video displayed.
8. At the close of the meeting, the board chair may choose to summarize discussions and ask if they missed anything.
9. Consider holding a recap session at the close of your board meeting to get feedback from the members on how well the technology worked and ask for suggestions on how to ensure your meetings are being run efficiently.

Nonprofit Board Meeting Agenda Sample

TRADITIONAL NONPROFIT AGENDA SAMPLE

The most common type of agenda format is the [traditional agenda](#). There's some room for flexibility based on the organization's needs, but this agenda generally follows the following [format](#).

- Welcome
- Call to order
- Roll Call or Attendance (make note of members attending electronically)
- Approve the minutes of the last meeting (if one or more members are attending electronically, must determine if the bylaws qualify this as an official meeting; if it isn't, the board can't approve the prior minutes or vote on other matters)
- Executive Director's report
- Finance committee report
- Nominating and governance committee report
- Program committee report
- Fundraising committee report
- Unfinished business
- New business
- Board development
- Guest presentations (you may move this up earlier in the agenda so guests don't have to sit through the entire meeting)
- Adjournment

The finance committee usually distributes quarterly reports, and the board may have a brief discussion about the projected budget and the actual budget. The agenda may also include cyclical items, such as the audit, elections or other annual events.

STRATEGIC NONPROFIT AGENDA SAMPLE

- Welcome
- Opening thoughts. A different board member starts the meeting with an opening thought.
- Call to order
- Roll Call or Attendance (make note of members attending electronically)

- Consent Agenda. This usually includes the minutes of the last meeting and other routine items that require little or no discussion. Board members can move to withdraw an item from the consent agenda if it needs additional discussion (if one or more members are attending electronically, must determine if the bylaws qualify this as an official meeting; if it isn't, the board can't approve the prior minutes or vote on other matters)
- Finance committee report
- Nominating and governance committee report
- Program committee report
- Fundraising committee report
- Discussion of strategic initiatives
- Board development
- Unfinished business
- Adjournment

The idea behind a strategic agenda is to streamline routine items to allow board members to spend most of the meeting time on strategic planning. Some nonprofit boards have found it helpful to throw out a discussion starter like, "What's keeping you up at night?" to get board conversations started.

CUSTOMIZED NONPROFIT AGENDA SAMPLE

Taking a [nontraditional approach](#) to the agenda forces board members to pay attention. They'll usually keep their agendas front and center because they won't be able to memorize the order of the agenda. Place critical details such as dates and other important information at the top of the agenda, because board members will see them repeatedly as they look for their places on the agenda.

- Welcome
- Call to order
- Roll Call or Attendance (make note of members attending electronically)
- Reading of the mission statement
- Board chair remarks
- 7-minute briefing

- 7-minute question-and-answer session
- Upcoming events or program planning
- Open-ended discussion on outside factors
- Minutes and commitments review
- Finance committee report
- Approving prior minutes and accepting reports (if one or more members are attending electronically, must determine if the bylaws qualify this as an official meeting; if it isn't, the board can't approve the prior minutes or vote on other matters)
- Nominating task force
- Executive Director responds to questions

"Board chair remarks" refers to anything that's been weighing on the mind of the board chair. This could be an opportunity for a new fundraising idea, board development, organizational culture, potential risks or anything else. This is also a good time to discuss adding language to the bylaws to authorize electronic meetings and whether the bylaws allow one or all members to attend electronically and still consider it an official meeting.

The board member briefing gives boards a short time to hear from a board member about the knowledge or expertise that they've gained in their professional life that may help other board members. Boards can also use this time to hear from a board member who uses the services of the nonprofit. Rotate speakers so all board members have a chance to share their knowledge and experiences. Follow the brief with an additional seven minutes of questions and answers.

The reason for offering a short time to discuss outside factors is because many changes happen in communities over the course of a year. Nonprofit boards can address outside changes more quickly when they make time on the agenda to discuss them as they occur, as opposed to discussing multiple changes in an annual meeting.

Prior to approving the minutes, boards may take a few minutes to review any follow-up actions that board members promised to take after the last meeting.

Board members should get a copy of the Executive Director report with their board packets. They should receive it in enough time to review it and to prepare questions. Provide a few minutes toward the end of each meeting for board members to ask questions. Many boards find that this format offers them increased opportunities for two-way communications and sets the tone for strengthening their relationship with the Executive Director.

ELECTRONIC NONPROFIT AGENDA SAMPLE

To hold a meeting electronically, your bylaws must allow it. Also, your bylaws should specify whether it's considered an official meeting if one or more members attend electronically or whether the entire board can meet electronically. If the bylaws don't allow for an electronic meeting, approving minutes and voting aren't allowed. The format for an electronic nonprofit meeting largely follows the traditional agenda format. The main thing to consider is that your board members can't see facial expressions or note body language as easily, even if you're using video cameras, so it's best to reserve the bulk of the meeting for discussions and streamline the rest.

- Welcome
- Call to order
- Audible Roll Call or Attendance (make note of members attending electronically) and establish quorum*
- Approve the minutes of the last meeting (if one or more members are attending electronically, must determine if the bylaws qualify this as an official meeting; if it isn't, the board can't approve the prior minutes or vote on other matters)
- Entertain motions to accept the Executive Director's report, finance committee report, nominating and governance committee report, program committee report, fundraising committee report, and any other reports (these reports should have been distributed within the agenda software prior to the meeting)
- Unfinished business
- New business
- Adjournment

*After the quorum has been established at the beginning of the meeting, the quorum thereafter should be determined by the online list of participating members. A member may demand a quorum count by audible roll call later in the meeting if a vote totals less than a quorum.

Boards may make it a practice to meet in person as often as practicable and reserve electronic meetings for emergencies and unusual safety situations such as the COVID-19 pandemic.

CONTACT YOUR ADVISOR FOR MORE INFORMATION:

Call: (866) 966-4987

Email: info@BoardEffect.com



Diversity, Inclusion, and Equity

State of Wisconsin Government

Adopted Definitions 2020

Diversity

Diversity is the varied identities and characteristics that distinguishes individuals or groups. It includes race, ethnicity, gender, age, national origin, religion, disability, sexual orientation, socioeconomic status, education, marital status, and language. It also encompasses a wide range of attributes that we bring to the workplace including our values, beliefs, experiences, backgrounds, and behaviors that frame how we see the world and engage with others.

Inclusion

Inclusion is the active and intentional cultivation of an environment in which everyone feels welcomed, respected, supported, valued, and empowered to fully engage.

Equity

Equity is the fair treatment, access, opportunity, and advancement for all. Equity also refers to fair and just practices, policies, and systems, based on a recognition of individual and group differences and barriers that disproportionately impact underserved and underrepresented individuals.

Wisconsin Open Meetings Law – Summary

I. Policy of the Open Meetings Law

- Importance of having a public informed about governmental affairs.
- Importance of vigilant application of the law.
- DOJ will provide legal advice to government agencies regarding open meetings.
- Most violations occur by mistake.
- Open meetings law require all meetings of all state and local governmental bodies be publicly held in places reasonably accessible to members of the public and open to all citizens at all times unless otherwise expressly provided by law.

II. Open Meetings Law Applies to Every Meeting of a Governmental Body

- Entities that are governmental bodies:
 - State or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule, or order. Includes advisory entities.
 - A formally constituted subunit of a governmental body is a governmental body. A subunit is a separate, smaller body created by a parent body and composed exclusively of members of the parent body.
- Entities that are not governmental bodies
 - Ad hoc gatherings/committees – as not created by law.
 - Government agency staff – doesn't satisfy definition (staff is individual subordinates within agency).
 - Government department with only a single member.
 - Bodies that are formed for or meeting for the purpose of collective bargaining with municipal or state employees.
 - Bodies created by the Court.
- A meeting is defined as the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body.
 - Definition of a meeting applies whenever a convening of members of a governmental body satisfies two requirements:
 - There is a purpose to engage in governmental business – formal or informal action including discussion, decision or informational gathering on matters within the governmental body's realm of authority.
 - The number of members present is sufficient to determine the governmental body's course of action on the business under consideration.
 - Typically, governmental bodies operate under a simple majority rule in which a margin of one vote is necessary for the body to pass a proposal. Under simple majority rule, open meetings law applies whenever one-half or more of the governmental body members gather to discuss or act on matters within the body's realm of authority.
- A meeting is not limited to all members being in same place – meetings by telephone or video conferencing qualifies as a convening of members if for the purpose of conducting governmental business and involves a sufficient number of members of the body to determine the body's course of action on the business under consideration.
- Written communication transmitted by electronic means such as email or instant messaging may constitute a convening of members but due to the complexity of determining the communication to be a conversation or meeting, it is recommended to proceed with caution or avoid electronic communication in conducting governmental body business.

- When a quorum of the members of one government body attend a meeting of another governmental body to engage in governmental business regarding a subject they have decision-making responsibility, it is considered two separate meetings and notice must be given of both meetings, although a single notice can be used if that notice clearly indicates that a joint meeting will be held and gives the names of each governmental body involved and published in each place where notices are published for the bodies.
- A social occasion is not a place to conduct government business and it is strongly recommended to not talk about government body business at a social gathering.

III. Two Basic Requirements of Open Meetings Law – Advance Public Meeting Notice and Conducting Business in Open Session

Public Meeting Notice Requirements

- The chief presiding officer of a governmental body or the officer's designee is responsible for public meeting notification.
- Notice of each meeting must be given to the public, any members of the news media requesting it, and the official newspaper designated as the primary news source for the area.
 - Meeting notice to be posted in one or more places likely to be seen by the general public – advise posting at three different locations within jurisdiction that governmental body services or with a paid notice within jurisdiction. Nothing in the open meetings law prevents a governmental body from determining that multiple notice methods are necessary to provide adequate public notice of the body's meetings.
- Every meeting public notice must give the time, date, place, and subject matter of the meeting, including that intended for consideration at any contemplated closed session, in such form as is reasonably likely to apprise members of the public and news media thereof.
 - Information in the notice must be sufficient to alert the public to the importance of the meeting, so that they can make an informed decision whether to attend – generic designations are not sufficient.
 - If closed session, the notice must contain the subject matter to be considered in closed session.
- Every public meeting notice must be given at least 24 hours in advance of the meeting, unless “for good cause” exists. Then notice should be given ASAP and must be given at least two hours in advance.
- A governmental body, when conducting a meeting, is free to discuss any aspect of any subject identified in the public notice of that meeting, as well as issues reasonably related to that subject, but may not address any topics that are not reasonably related to the information in the notice.
 - There is no requirement that a governmental body must follow the agenda in the order listed on the meeting notice unless an agenda item has been noticed for a specific time.

Open Session Requirements

- All meetings shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times.
 - The policy of openness and accessibility favors governmental bodies holding meetings in public places rather than private premises. Generally speaking, places such as a private room in a restaurant are not considered reasonably accessible. A governmental body should meet on private premises only in exceptional cases where the body has a specific reason for doing so that does not compromise the public's right to information about governmental affairs.
 - The policy of openness and accessibility also requires the governmental bodies hold meetings at locations near to the public they serve.
 - The law also requires that the meeting location also be accessible for those with disabilities. The Americans with Disabilities Act and other federal laws may also require governmental bodies to meet accessibility that exceed the requirements imposed by Wisconsin's open meetings law.

- All meetings must be initially convened in open session. All business of any kind, formal or informal, must be initiated, discussed, and acted upon in open session, unless one of the exemptions set forth in Wisconsin statute applies.
- The open meetings law grants citizens the right to attend and observe meetings of governmental bodies that are held in open session. It also grants citizens the right to tape record or videotape open session meetings as long as doing so does not disrupt the meeting.
 - The law does not permit recording of an authorized closed session.
- The open meetings law grants citizens the right to attend and observe meetings of governmental bodies that are held in open session but does not require a governmental body to allow members of the public to speak or actively participate in the body's meeting.
 - Unless a statute specifically applies, a governmental body is free to determine for itself whether and to what extent it will allow citizen participation at its meeting.
 - There are some other state statutes that require governmental bodies to hold public hearings on specified matters.
 - Although not required, the open meetings law does permit a governmental body to set aside a portion of an open meeting as a public comment period.
 - Such a period must be included on the meeting notice.
 - During this period, the body may receive information from the public and may discuss any matter raised by the public.
 - If a member raises a subject that is not on the agenda, it is advisable to limit the discussion of that subject and to defer any extensive deliberation to a later meeting so that more specific notice can be given.
 - The body also may not take formal action on a subject raised in the public comment period unless that subject is also identified in the meeting notice.
- No secret ballots may be used to determine any election or decision of a governmental body, except the election of officers of a body.
 - If a member of a governmental body requests that the vote of each member be recorded on a particular matter, a voice vote or a vote by a show of hands is not permissible unless the vote is unanimous and the minutes reflect who is present for the vote.
- The open meetings law requires a governmental body to create and preserve a record of all motions and roll-call votes at its meetings. This requirement applies to both open and closed sessions.
 - As long as the body creates and preserves a record of all motions and roll-call votes, it is not required by the open meetings law to take more formal or detailed minutes of other aspects of the meeting.
 - Other statutes outside the open meetings law may prescribe particular minute-taking requirements for certain governmental bodies and officials that go beyond what is required by the open meetings law.
 - The general legislative policy of the open meetings law is that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business – provide public with a reasonably intelligible description of the essential substantive elements of every motion made, who initiated and seconded the motion, the outcome of any vote on the motion, and if a roll-call vote, how each member voted.
 - Nothing in the open meetings law prohibits a body from making decisions by general consent, without a formal vote. Whether a decision is made by consensus or other method, Wisconsin statute requires the body to create and preserve a meaningful record of that decision.
- All meeting records, open and closed, must be open to public inspection to the extent prescribed in the state public records law unless the particular record at issue is subject to a specific statutory exemption or the custodian concludes that the harm to the public from its release outweighs the benefit to the public.

- As long as the reasons for convening in closed sessions continue to exist, the custodian may be able to justify not disclosing any information that requires confidentiality and would separate information that can be made public from that which cannot, and disclose the former. Once the underlying purpose for the closed session ceases to exist, all records of the session must then be provided to any person requesting them.

IV. Closed Session Requirements

- If closed session contemplated at the time public notice is given, the notice must contain the subject matter of the closed session.
 - If closed session not contemplated at time of public notice, that does not foreclose a government body from going into closed session to discuss an item contained in the notice.
 - In both situations, a governmental body must follow the procedure set forth in Wisconsin statute before going into closed session.

Procedure for Convening in Closed Sessions

- Meeting must initially be convened in open session.
- Governmental body must pass a motion, by recorded majority vote to convene in closed session.
 - If unanimous motion, no requirement to record votes individually.
 - Before governmental body votes on the motion, the chief presiding officer must announce and record in open session the nature of the business to be discussed and the specific statutory exemption that is claimed to authorize the closed session.
 - If several exemptions are relied on to authorize a closed discussion of several subject, the motion should make it clear which exemptions correspond to which subjects.
- The governmental body must limit its discussion in closed session to the business specified in the announcement.
- Wisconsin Statute contains 13 exemptions to the open session requirement that permit, but do not require a governmental body to convene in closed session.
 - See Wisconsin Open Meetings Law Compliance Guideline for detailed information on the exemptions.
- The open meetings law gives wide discretion to a governmental body to admit into a closed session anyone whose presence the body determines is necessary for the consideration of the matter that is the subject of the meeting.
- A governmental body vote should occur in open session unless the vote is clearly an integral part of deliberations authorized to be conducted in closed sessions under Wisconsin statutes (should vote in open session unless doing so would compromise the need for the closed session).
- A governmental body may not commence a meeting, convene in closed session, and subsequently reconvene in open session within 12 hours after completion of a closed session unless public notice of the subsequent open session is given “at the same time and in the same manner” as the public notice of the prior open session.

V. Open Meetings Law Enforcement and Penalties

Enforcement

- Both the Attorney General and the district attorneys have authority to enforce the open meetings law.
- A district attorney has authority to enforce the open meetings law only after an individual files a verified meetings law complaint with the district attorney.
 - The verified complaint must be signed by the individual and notarized and should include available information that will be helpful to investigators:
 - Identifying the governmental body and any members thereof alleged to have violated the law.

- Describing the factual circumstances of the alleged violations.
 - Identifying witnesses with relevant evidence.
 - Identifying any relevant documentary evidence.
- An enforcement action brought by a district attorney or by the Attorney General must be commenced within six years after the cause of action accrues or be barred.
 - Proceedings to enforce the open meetings law are civil actions subject to the rules of civil procedure, rather than criminal procedure, and governed by the ordinary civil standard of proof.
 - Open meetings law enforcement action is commenced like any civil action by filing and serving a summons and complaint.
 - Open meetings law cannot be enforced by the issuance of a citation because citation procedures are inconsistent with the statutorily-mandated verified complaint procedure.
 - If the district attorney refuses to commence an open meetings law enforcement action or otherwise fails to act within 20 days of receiving a complaint, the individual who filed the complaint has a right to bring an action, in the name of the state, to enforce the open meetings law.
 - Although an individual may not bring a private enforcement action prior to the expiration of the district attorney's 21 day review period, the district attorney may still commence an action even though more than 20 days have passed. It is not uncommon for the review and investigation of open meetings complaints to take longer than 20 days.
 - Court proceedings brought by private relators to enforce the open meetings law must be commenced within two years after the cause of action accrues or the proceedings will be barred.

Penalties

- Any member of a governmental body who knowingly attends a meeting held in violation of the open meetings law, or otherwise violates the law, is subject to a forfeiture of between \$25 and \$300 for each violation.
 - The Wisconsin Supreme Court has defined knowingly as not only positive knowledge of the illegality of a meeting, but also awareness of the high probability of the meeting's illegality or conscious avoidance of awareness of the illegality.
- A member of a governmental body who is charged with knowingly attending a meeting held in violation of the law may raise one of two defenses:
 - That the member made or voted in favor of a motion to prevent the violation.
 - That the member's votes on all relevant motions prior to the violation were inconsistent with the cause of the violation.
 - A member who is charged with a violation other than knowingly attending a meeting held in violation of the law may be permitted to raise the additional statutory defense that the member did not act in his or her official capacity.
 - A member of the body can avoid liability if he or she can factually prove that he or she relied, in good faith and in an open and unconcealed manner, on the advice of counsel whose statutory duties include the rendering of legal opinions as to the actions of the body.
- A governmental body may not reimburse a member for a forfeiture incurred as a result of a violation of the law, unless the enforcement action involved a real issue as to the constitutionality of the open meetings law.
- In addition to the forfeiture penalty, Wisconsin Statute provides that a court may void any action taken at a meeting held in violation of the open meetings law if the court finds that the interest in enforcing the law outweighs any interest in maintaining the validity of the action.