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Governing Bodies: Open Meetings Law FAQ 10

Can a common council or village board discuss general personnel matters in closed session under Wis. Stat. § 19.85(1)(b) or (c)?

No. The open meetings law personnel exemptions in §§ 19.85(1)(b) and (c) do not encompass general personnel or management issue discussions. They are designed instead for discussions pertaining to specific persons over whom the governmental body has jurisdiction. These sections do not authorize a closed session to discuss general matters such as what qualifications a governmental body is seeking in candidates for a particular position or the general salary scale to apply to a position. They also do not authorize a closed session to discuss an employee assistance program, personnel policy manual changes, staffing reductions or increases, or other general personnel policy matters. (rev. 7/23)

Public Records FAQ 7

How long does an authority/records custodian have to answer a request for public records?

The public records law provides that an authority must either fulfill a public records request or notify the requester of the authority's determination to

deny the request in whole or in part and provide the reasons therefor "as soon as practicable and without delay." Wis. Stat. § 19.35(4)(a). The statutes do not define "as soon as practicable and without delay" with a specific timeframe. However, the Wisconsin Department of Justice ("DOJ") Public Records Law Compliance Guide provides some guidance on what may constitute a reasonable response time: "DOJ policy is that 10 working days generally is a reasonable time for responding to a simple request for a limited number of easily identifiable records. For requests that are broader in scope, or that require location, review, or redaction of many documents, a reasonable time for responding may be longer...What constitutes a reasonable time for a response to any specific request depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and related considerations." Department of Justice Public Records Law Compliance Guide, p. 15 (October 2019). (rev. 7/23)

Officers FAQ 5

How does a city or village change the term for members of the governing body?

A village board or common council can change the term of governing body

members by using a charter ordinance under Wis. Stat. § 66.0101. Wis. Stat. §§ 61.195 and 62.09(5)(b). (rev. 7/23)

Licensing & Regulation FAQ 2

Are there any limits on the amount a municipality may charge for a license or permit issued by the municipality?

Yes. If the state legislature has not established a specific charge or fee for a license or permit issued by a municipality, the license charge or fee established by the municipality must bear a reasonable relation to the service for which the fee is imposed. Wis. Stat. § 66.0628(1)-(2). Accordingly, a fee may reflect the cost of granting the license or permit (e.g., clerk's and issuing authority's time) and of investigating, inspecting, and enforcement. Where the legislature has set a range for fees (e.g., the fee for a "Class B" liquor license has a minimum of \$50 and a maximum of \$500), a municipality may set the fee anywhere within the statutory range, without justifying the particular fee. *Sluggys Lake Front Inn, Inc. v. Delavan*, 125 Wis. 2d 199, 372 N.W.2d 174 (Ct. App. 1985). If the charge or fee for a license or permit is not reasonably related to the expenses incurred by the municipality under the regulation, the charge or fee may be deemed an unlawful tax. (rev. 7/23)