

**Q. What should the minutes of a town board meeting contain?**

A. In our opinion, minutes should contain the following:

- (1) Name of the body, names of the members of the body in attendance/absent, record of any members that came late or left before the meeting adjourned.
- (2) Date of the meeting, including time started/ended
- (3) Location
- (4) Topics discussed
- (5) Motions (including who made and who seconded)
- (6) Votes on the motions

In short, minutes are a record of the formal motions and actions taken by the body. Minutes should not be a complete transcript of the proceedings. The clerk is not required to document every word that is spoken during the meeting. However, any motions, resolutions or formal actions of the body should be recorded word for word as stated by the body members.

Discussion amongst the board members and citizen input should not be recorded word for word in the minutes. We strongly urge clerks to avoid trying to summarize discussion or citizen input. If a strong desire to document these comments in some way exists, one suggestion would be to indicate in the minutes that, “Jane Doe spoke in favor of/in opposition to \_\_\_\_\_” or “John Smith addressed the board regarding the need for repairs on Smith Road”.

We encourage the regular use of a tape recorder during meetings so that the clerk may refer back to the tape when preparing the minutes. Keep in mind that such tapes are a public record and must be kept for at least 90 days following board approval of the minutes. See s.19.21(7), Wis. Stats.

**Q. When do the minutes become a public record?**

A. Clerks should be aware that the minutes become a public record when they are put in a form to be presented to the town board for approval. This means that the public may inspect “unapproved” draft minutes. However, the public does not have the right to inspect the clerk’s handwritten notes from the meeting. Such handwritten notes are the clerk’s “work product” and are exempt from the public records law.

**Q. Are closed session minutes any different from regular minutes?**

A. The contents should be the same. However, closed session minutes become public records once the underlying need for the closed meeting ceases. In addition, any tape recording of a closed session may also become a public record. As a result, the board may choose not to tape closed sessions.

**Q. Is the town board required to have a period for public comment at every town board meeting?**

A. Pursuant to s.19.84(2), Wis. Stat., a meeting of a governmental body *may* have a period for public comment on the agenda. This means that a public comment period is not required and a board or commission may choose not to have a public comment period or may choose only to have a comment period at certain meetings. If you do not have a public comment period specifically noted on the agenda, be careful about allowing comments from the public on agenda items. You may run into an open meeting violation if such comments are allowed. Also, if you

intend to let only those members of the audience with special knowledge of an agenda item speak on a given topic, note that on your agenda. For example, indicate that Mr. Robert Smith will be speaking on the need to fix Smith Road or Ms. Jane Jones will be talking about her application for a kennel license, etc.