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To: Senate Committee on Government Operations, Legal Review, and Consumer Protection
From: Curt Witynski, J.D., Deputy Director, League of Wisconsin Municipalities
Date: February 4, 2021
Re: SB 55, Allowing Municipalities to Publish Meeting Minutes on the Municipality's Web Site in lieu of the Official Newspaper

The League of Wisconsin Municipalities supports SB 55, giving local governments the option of posting governing body meeting minutes in at least one public place and on the community's web site in lieu of paying for publication in the official newspaper.

This bill makes a narrow change to state law governing the publication of legal notices. Currently, all 1,250 towns and nearly all of the 411 villages in the state already have the option of posting meeting minutes in a public place and on the community's website in lieu of newspaper publication. Most take advantage of the alternative and do not pay for publishing meeting minutes in a local newspaper. SB 42 extends this option to cities, counties, and school districts.

Background on Publication Requirements Applicable to Municipalities

Municipal bodies are often required to inform the public of municipal matters by the publication or posting of legal notices. These notice requirements are found throughout the statutes. The term "legal notice" is defined in ch. 985 to mean every notice required by law or by order of a court to be published in a newspaper or other publication and includes the publication of ordinances, resolutions, financial statements, budgets and the proceedings of governmental bodies. "Legal notices" also include election notices, notices of public hearings held by governmental bodies and certain judicial notices and notices of sale intended to inform persons of their duty or right to exercise certain rights within a specified time period. Sec. 985.01(2).

SB 55 deals with only one of the legal notices that municipalities are required to publish, meeting minutes.

Official newspaper. Cities are required to designate newspapers for the publication of council proceedings and other city legal notices. Sec. 985.06. Such newspapers must be published in the city, although a fourth class city in which there is no eligible paper published may designate a newspaper published in the county and having a general circulation in the city. Sec. 985.06(2).

In contrast to cities, a village is not required but may choose to designate a newspaper published or having general circulation in the village as its official paper or use it for specific notices. Alternatively, the village board may direct that other forms of publication, such as posting in one public place and on the village's web site, be used, except for certain situations that do require

actual newspaper publication. The statutes specifically require the publication of tax redemptions or sales, annexations, detachments, consolidations, incorporations and notices directed to specific individuals. Also, if an eligible newspaper is published in the village, village board proceedings (e.g., Board Minutes) and village ordinances imposing a forfeiture must be published in that newspaper. Wis. Stat. sec. 985.05(1).

Cost to Municipalities of Publishing Legal Notices

We last surveyed our members on publication costs in 2016 when we emailed an online survey link to 585 municipalities. We received responses from 213 for a response rate of just over 36%. We asked the following question: How much did your municipality spend on publishing legal notices in 2015?

Responding municipalities spent a total of \$1,102,677 on publishing legal notices in 2015. The responses ranged from a low of \$0.0 in the Village of Potosi, to \$63,000 for the City of Green Bay. Responding municipalities on average spent \$5,177 on publishing legal notices in 2015. However, for reasons I'll explain later, cities spent significantly more than villages. Cities spent \$10,979 on average publishing legal notices in 2015. Villages spent \$1,824 on average.

Differences between Cities and Villages

The survey results show a substantial difference between what cities spend on publishing legal notices and the amount spent by villages. This is because villages (and towns), regardless of their size or population, have the flexibility under state law to publish legal notices in ways other than newspaper publication. All 190 cities in this state must designate an official newspaper and publish council meeting minutes, ordinances or ordinance summaries, and all other city legal notices in that newspaper. Villages need not designate an official newspaper and instead may choose to publish village legal notices by posting them in three public places or in one public place and on the village's website.

Because of this difference, large villages, such as Menomonee Falls, population 35,710, spent only \$200 on publishing legal notices in 2015 while a small city like Green Lake (pop. 961) spent \$8,489.

In 2015 we were pleased by the enactment of 2015 Wis. Act 79, which for the first-time allowed towns and villages that post to meet publication requirements by posting legal notices in at least one public place and posting the notice electronically on the community's web site.

The League strongly supports extending the same option to cities. SB 55 does not do this. But what it does do is provide one opportunity, allowing cities to satisfy the requirement to publish governing body meeting minutes by posting the minutes in one public place and on the community's web site, to reduce the overall costs associated with publication.

Conclusion

We urge the committee to recommend passage of SB 55. Thank you for considering our comments and recommendation.