



WISCONSIN TOWNS
ASSOCIATION

Empowering Town Officials

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Annual Town Meeting Flexibility Added in Act 185

2019 Wisconsin Act 185 creates a new option for towns to postpone their annual town meeting to a new date 60+ days beyond the date the current public health emergency ends. This means that towns now have three options for the timing of their 2020 annual meetings:

First, towns can go ahead and complete their annual meetings on the appropriate statutory date (April 21st or within the 10 days thereafter as set by the electors at the annual town meeting in 2019).

Note that local governments like towns are not subject to the requirement to limit meetings to 10 people or less, but must still follow CDC social distancing guidelines for any meetings. So, if you go ahead with your annual meeting, be sure to seat all attendees at least 6 feet apart, sanitize surfaces before and after the meeting, make hand sanitizer available at entrances and forego putting out food or drinks for the attendees, etc.

If a large number of people show up for the meeting and you are not sure if they can safely be accommodated in the town hall, consider having a backup plan like briefly recessing the meeting and moving everyone to the town garage, fire hall, or an outdoor area. Put a notice on the town hall door indicating where the meeting has been moved to so that those arriving late can find the new meeting location. If no backup location is available, you might need to turn someone away in order to comply with social distancing guidelines. To avoid that undesirable scenario, the electors at the annual meeting would have the power to vote to adjourn the meeting for up to 30 days so that a new, larger location can be arranged and the public can be given proper notice of the change in venue. Wis. Stat. § 60.11(4). We would recommend providing notice of the new date and location at least 15 days in advance under Wis. Stat. § 60.12(3).

Keep in mind that WTA is *not* recommending using teleconferences for annual meetings because of the difficulty of keeping track of which callers are actually town residents who have the right to vote, as well as keeping track of how many electors vote in favor of or against each motion in the meeting minutes. You may also run into difficulties with multiple electors speaking over each

other, or confusion about who is making and seconding motions. As a result, WTA believes it will be much easier to comply with the statutory requirements for annual meetings if you proceed with an in person meeting.

Secondly, towns can call their annual meetings to order on the appropriate statutory date and then immediately entertain a motion and vote to adjourn (recess) the meeting to a time and date certain if the resumed meeting is held within 30 days after the date of the originally scheduled meeting under Wis. Stat. § 60.11(4). The adjourned meeting would also need to comply with any social distancing guidelines then in effect.

Finally, under new 2019 Wisconsin Act 185, the town board or, if the town board is unable to promptly meet, the town chair may postpone the annual town meeting to a date “that is not during the period beginning on the first day of the public health emergency declared on March 12, 2020, by executive order 72, and ending 60 days after the termination of that order”. We interpret this language as allowing the town board (or the town chair alone if the board cannot promptly meet) to make this postponement decision without having to call the annual meeting to order on the appropriate statutory date.

At this time, it is not clear what date the annual meeting would need to be postponed to as it is not certain when Executive Order #72 will end. Under Wis. Stat. § 323.10, a state of emergency shall not exceed 60 days, unless the state of emergency is extended by joint resolution of the legislature. It is also possible that Governor Evers may end the state of emergency before the 60 days have elapsed. If we assume that the state of emergency will expire when 60 days have elapsed, Executive Order #72 would expire on May 12, 2020, and the earliest the annual meeting could be held would be 61 days after that (July 12th). If your town is hoping to postpone the annual meeting in to the summer months, this third option would be the way to accomplish that. The wording of the law change does not indicate any deadline by which the postponed annual meeting must be held. But, we would strongly encourage towns to schedule them before the end of the calendar year 2020.

If the town does postpone the annual meeting in to the summer months or beyond, we strongly recommend providing the public as much notice as possible of this change. At minimum, the town should adhere to the public notice requirements under Wis. Stat. 60.12(3), Wis. Stat. and provide notice at least 15 and not more than 20 days prior to the rescheduled meeting. The town should also provide notice to the public that the annual meeting that was to be held in April has been postponed. For example, placing such a notice in the town’s usual posting places and on the door of the meeting place that was to be used for the April annual meeting would be a courteous way to inform the public of this change.