

business to be considered at such closed session, and the specific exemption or exemptions authorizing the closed session. That announcement must be made part of the record of the meeting.¹⁷¹ For more information on minutes, see League legal opinion governing bodies

Public Hearings

Public hearings serve a number of important purposes. First, municipalities use public hearings to inform the public in general, and those citizens who are likely to be affected by a proposed municipal action in particular, about a requested or proposed governmental action. Public hearings also afford citizens the opportunity to comment on a proposed governmental action. At a public hearing, supporters of a particular proposal can explain why the action is necessary and persons opposed to the proposal can testify against the action. Comments received at a public hearing allow the municipality to gauge the need for and impact of the proposed action. As a result of comments received at a public hearing, the municipality may modify or even reject a proposed or requested action. Thus, public hearings serve a dual function of informing the public about a proposed municipal action and allowing the public to comment on the impact of a proposed action, which in turn educates the municipality about the ramifications of the action.

Most municipal actions need not be preceded by a public hearing. In general, a public hearing is required only if a state or federal law, agency regulation, or local ordinance mandates that a hearing be held. Of course, a municipality can decide to hold a public hearing even if there is no state or federal statute or agency rule mandating that a hearing be held.

In Wisconsin, a number of state statutes require municipalities to conduct a public hearing before taking certain actions. For example, municipalities must hold a public hearing before adopting or amending a zoning ordinance, acting on a petition for a conditional use permit or variance, imposing special assessments, and adopting the annual budget. Some state statutes requiring a public hearing are set forth below.

Where a public hearing must be held, proper notice to the public is essential and the type of notice required (*e.g.*, by publication or to certain persons and the manner of giving the notice) is typically specified by the statute or ordinance imposing the hearing requirement.

There are no general rules of procedure set forth in the statutes governing how public hearings must be conducted. Some statutes requiring a public hearing may specify that certain procedures be followed. For the most part, however, there is little or no guidance in the statutes for conducting a public hearing. Municipal governing bodies should consider, therefore, adopting procedural guidelines which they and other agencies within the municipality must follow when conducting public hearings.

In the absence of any rules to the contrary, the chairperson of the meeting has the responsibility of conducting the public hearing. At the outset of the hearing, the chairperson should explain the general rules of procedure which will govern the hearing. While it may not always be appropriate or necessary to establish strict rules of procedure for conducting a public hearing, in some cases the adoption of formal rules may be essential to maintaining control of the hearing and ensuring a fair process in which all sides are given an opportunity to comment.

171. Sec. 19.85(1), Stats.

Following are some procedural guidelines for conducting efficient public hearings which governing bodies and chairpersons may want to consider adopting.

1. A rule requiring persons attending a public hearing who desire to comment on the subject of the hearing to complete and file with the chairperson a "registration slip" indicating their name, affiliation and whether they support, oppose or merely want to comment on the issue that is the subject of the meeting. Such a requirement informs the chairperson how many people want to participate in the hearing and what their positions are with regard to the proposal under consideration. Registration slips also assist the clerk in keeping an accurate record of who spoke at the hearing and what the speaker's position was on the issue.
2. Municipalities may also want to consider placing a time limit on persons offering testimony at public hearings in which a large turnout is expected. Ideally, any time restrictions on giving testimony at the hearing should be explained in the hearing notice. This will allow those persons desiring to appear whose presentations might exceed the time limit to prepare written statements or consolidate their presentations with other speakers sharing their views.
3. Chairpersons may want to routinely remind persons at the start of a hearing that any comments offered must be germane to the topic, concise and absent of personal attacks.
4. In the interest of avoiding repetitive testimony, the chair may want to encourage persons with the same viewpoint to appoint a spokesperson.
5. If written testimony will be accepted until a certain date, in addition to or in lieu of verbal testimony at the hearing itself, that fact should be explained in the hearing notice and at the outset of the hearing.

Again, in many public hearings conducted by municipalities the above described rules may not be necessary or appropriate. This is especially true in smaller communities where it might be the tradition to conduct public hearings in an informal manner. Nonetheless, circumstances may arise in any community where more formal procedures may need to be imposed to ensure a fair and efficient public hearing.

STATE STATUTES REQUIRING PUBLIC HEARINGS

The following is a partial list of statutes requiring municipalities to hold public hearings.

Sec. 17.16, Stats.	Removal of city officers for cause.
Secs. 61.65(am), 62.13(5) & 62.13(6m), Stats.	Disciplinary actions against police and certain fire-fighters.
Sec. 62.23(6), Stats.	Amendment of official map.
Sec. 62.23(7), Stats.	Enactment and amendment of zoning ordinance.
Sec. 62.23(7)(e)6., Stats.	Requests to zoning board of appeals for conditional use permits and variances.

Sec. 62.23(7)(i)9., Stats.	Determination as to effect of community living arrangement on the health, safety or welfare of the residents of a municipality.
Sec. 62.23(7a), Stats.	Enactment of extraterritorial zoning ordinance.
Sec. 62.23(9)(b), Stats.	Enactment and amendment of fire safety code.
Sec. 65.90, Stats.	Adoption of budget.
Sec. 66.0307(4)(b), Stats.	Adoption of a joint cooperative boundary agreement,
Sec. 66.0305(3), Stats.	Adoption of municipal revenue sharing agreement.
Sec. 66.0435(2)(d), Stats.	Revocation of mobile home park license.
Sec. 66.1003(4)(b), Stats.	Discontinuance of streets and alleys.
Sec. 66.0905, Stats.	Establishing pedestrian malls.
Sec. 66.1303(3), Stats.	Approval of urban redevelopment plans.
Sec. 66.1331(5)(b)3., Stats.	Approval of redevelopment plan in blighted area.
Sec. 66.1105(4), Stats.	Creation of a tax incremental district.
Sec. 66.1107(2)(a), Stats.	Creation of a reinvestment neighborhood.
Sec. 66.0617(3), Stats.	Adoption of an impact fee ordinance.
Sec. 66.0703(7)(a), Stats.	Levying special assessments.
Sec. 66.1109(2)(c), Stats.	Approval of business improvement district's initial operating plan.
Sec. 66.1109(4m)(c), Stats.	Termination of business improvement district.
Sec. 66.1007(2)(c), Stats.	Creation and termination of architectural conservancy district.
Sec. 66.0701(2), Stats.	Levying special assessments under alternate procedure.
Sec. 66.0725(2), Stats.	Assessment of condemnation benefits.
Secs. 70.47 and 70.48, Stats.	Property assessment board of review.
Sec. 114.136, Stats.	Enactment of airport approach protection ordinances.
Sec. 125.12, Stats.	Revocation or suspension of, or refusal to renew, alcohol licenses.
Sec. 236.45(4), Stats.	Enactment of subdivision regulations.

COMMITTEES

The state statutes make no provision for the appointment of committees by the common council or village board, although some references presuppose their existence.¹⁷² Even though committees do not have their basis in state statutes, committees are sanctioned by usage. According to 4 McQuillin, MUNICIPAL CORPORATIONS, sec. 13.51 (3d ed.):

Such committees are mere agencies or instrumentalities of the governing body. ... This method of performing portions of the public business is not forbidden, has existed from the beginning, and is sanctioned by judicial decisions.

172. See, for example Secs. 62.14(1) and 62.23(7)(d), Stats.