



REPORT TO APC

ITEM NAME:	Badke Open Meeting Notice Requirements
MEETING DATE:	June 24th, 2025
PRESENTING COMMITTEE:	NA
COMMITTEE CONTACT:	David Baker
STAFF CONTACT:	Jennifer Poyer
PREPARED BY:	David Baker

ISSUE: Attendance of members of a VOK governmental body at the meeting of another VOK governmental body has the potential to cause violations of Open Meetings Law. The applicable requirements are often referred to as “Badke” requirements.

OBJECTIVES: “Ensure that all open meetings laws are adhered to strictly and consistently” in accordance with Village Ordinance 115-11.C.(4)

Clarify whether the Badke requirements apply to our Village Board meetings or only to subunits (commissions, committees, etc.)

ISSUE BACKGROUND/PREVIOUS ACTIONS: Per Village Ordinance 115-11C(4) Administrator Functions and Duties:

Works with the village board and its president, commission and committee chairpersons, attorney, and clerk to ensure that all open meetings laws are adhered to strictly and consistently for all board, commission, and committee meetings, ensuring that each board, commission, and committee meeting has a clear, complete, and legally appropriate agenda with supporting materials with nothing in this statement being construed as to give the administrator authority to limit or in any way prevent matters from being considered by the village board or any of its committees and commissions. (Duty currently assigned to President)

State ex rel. Badke v. Village Bd. of Village of Greendale
494 N.W.2d 408,173 Wis. 2d 553

- **Multiple Meetings**

When a quorum of the members of one governmental body attend a meeting of another governmental body under circumstances where their attendance is not chance or social, in order to gather information or otherwise engage in governmental business regarding a subject over which they have decision-making responsibility, two separate meetings occur, and notice must be given of both meetings.⁹⁹ The Attorney General has advised that, despite the “separate public notice” requirement of Wis. Stat. § 19.84(4), a single notice can be used, provided that the notice clearly and plainly indicates that a joint meeting will be held and gives the names of each of the bodies involved, and provided that the notice is published and/or posted in each place where meeting notices are generally published or posted for each governmental body involved.¹⁰⁰

The kinds of multiple meetings presented in the *Badke* case, and the separate meeting notices required there, must be distinguished from circumstances where a subunit of a parent body meets during a recess from or immediately following the parent body’s meeting, to discuss or act on a matter that was the subject of the parent body’s meeting. In such circumstances, Wis. Stat. § 19.84(6) allows the subunit to meet on that matter without prior public notice.

PROPOSAL: Develop policy, ordinance or procedure to facilitate compliance with the Badke open meeting notice requirements.

ADVANTAGES:

DISADVANTAGES:

ITEMIZE ALL ANTICIPATED COSTS (Direct or Indirect, Start-Up/One-Time, Capital, Ongoing & Annual, Debt Service, etc.)

RECOMMENDED ACTION: Discuss and develop policy, ordinance or procedure to facilitate compliance with the Badke open meeting notice requirements to refer to the Village Board.

OTHER OPTIONS CONSIDERED:

TIMING REQUIREMENTS/CONSTRAINTS:

FUNDING SOURCE(s) – Must include Account Number/Description/Budgeted Amt CFY/% Used CFY/\$

Remaining CFY

Account Number:

Description:

Budgeted Amount:

Spent to Date:

Percentage Used:

Remaining:

ATTACHMENTS (describe briefly): LWM February 2017 Meeting Notices, Open Meetings Law Compliance Guide