

STATE OF WISCONSIN
Town of Mount Pleasant
Green County
Ordinance (11-13-2023)

Public Access to Records

SECTION 1. TITLE AND PURPOSE

WHEREAS, the Town of Mount Pleasant has determined the need to amend local code to securely provide public access to inspect a public record in the Town of Mount Pleasant and for the public to receive a copy of any record as allowed by WI Stat § 19.35 (1);

Therefore, the Town Board of the Town of Mount Pleasant, Green County, Wisconsin, by this ordinance, adopted by a majority of the town board on a voice vote with a quorum present and voting and proper notice having been given, resolves and declares as follows:

SECTION 2. DEFINITIONS

- 1) "Custodian" means that elected Board member or employee of the Town responsible by law to preserve any Town records or file, deposit, or keep such records
- 2) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by a custodian. Record does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working;

SECTION 3. DUTY TO MAINTAIN RECORDS

- 1) Possession by Board Members. Except as otherwise provided by law, each Board member and employee of the Town shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited, or kept.
- 2) Passing Records to Successors. Upon the expiration of an officer's Board member's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such Board member or employee shall deliver to his or her successor all records then in his or her possession. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to the clerk, on behalf of the successor, to be delivered to such successor.

SECTION 4. AUTHORITY AND GENERAL REGULATION

The Town Board of the Town of Mount Pleasant, Green County, Wisconsin ("Board") has the specific authority to adopt Public Access to Records Ordinance under Wis. Stat. § 19.35. The Board retains the right to exempt the following records from inspection under Wis Stat. §19.36:

- 1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
- 2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition of receipt of aids by the state;
- 3) Computer programs and files, although the material used as input for the computer program/file or the material produced as a product of the computer program is subject to inspection; and
- 4) A record or any portion of a record containing information qualifying as a common law trade secret as defined in Wis States §134.90 (1)(c)

SECTION 5. PUBLIC ACCESS TO RECORDS

- 1) Inspection of Records. Except as otherwise provided by law, any person has a right to inspect a record and to make or receive a copy of any record as provided in § 19.35(1), Wis. Stats.
- 2) Availability of Records. Records will be available for inspection and copying during all regular office hours.
- 3) Office Hours. If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours advance notice of intent to inspect or copy.
- 4) Requester. A requester shall be permitted to use facilities comparable to those available to Town employees to inspect, copy or abstract a record.
- 5) Supervision During Inspection. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- 6) Requester Fee. A requester shall be charged a fee to defray the cost of locating and copying records as follows:
 - i) The cost of photocopying shall be as provided in the Town of Mount Pleasant Fee Schedule Ordinance. Said cost has been calculated not to exceed the actual, necessary, and direct cost of reproduction.
 - ii) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - iii) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- or video-tapes, shall be charged.

- iv) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
- v) There shall be no charge for locating a record unless the actual cost therefor exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester. The hourly rate of work done by the legal custodian shall be as provided in the Town of Mount Pleasant Fee Schedule Ordinance.
- vi) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
- vii) Elected and appointed officials of the Town of Mount Pleasant shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
- viii) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

7) Public Records Notice. Pursuant to § 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices for the guidance of the public, a copy of subsections 133.04(f)(4) through (6) of this ordinance.

SECTION 6. ACCESS PROCEDURES

- 1) **Requesting a Copy.** A request to inspect or copy a record shall be made to the Town clerk. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under § 19.37, Wis Statutes. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- 2) **Fulfilling requests.** The Town clerk, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the clerk determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- 3) **Denying Requests.** A request for a record may be denied as provided in Section 4. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written

statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review under sec. 19.37 (1), Wis. Stats.

This ordinance shall take effect after the Town Clerk properly publishes and posts this ordinance as required under Wis Stat § 60.80.

Adopted this 13th day of November, 2023.

Town Chair: Kenneth Christen

Town First Supervisor: B. Miller 11-13-23

Town Second Supervisor: LEKA

Attest: J. Vaick Bull
Town clerk