

## **CHAPTER 6 PUBLIC RECORDS**

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### **6.01 DESIGNATION OF PUBLIC RECORDS**

The Town of Center recognizes and designates all of its records as defined by Wis. Stats. 19.32(2) as public records and documents subject to release, inspection and reproduction as required by law.

### **6.02 DESIGNATION OF THE OFFICIAL LEGAL CUSTODIAN OF THE RECORDS OF THE TOWN OF CENTER**

- (1) Custodians. The Town Board designates the following individual as the official legal custodian of the public records of the Town:

Town Assessor	Assessment Records
Alternate – Town Clerk-Treasurer	
Town Clerk-Treasurer	Tax Records & All Other Records
Alternate – Town Chairperson	
Town Clerk-Treasurer	E-mail Records
Alternate – Town IT Specialist when authorized by the Town Board, Town Clerk or Town Attorney	

(2) Responsibility. It shall be the responsibility of the official legal custodian to execute all duties and responsibilities of the Town pursuant to Wisconsin's Public Records and Property Law. In his/her absence, the alternate shall fulfill the duties of legal custodian. As the official legal custodian of the records of the Town, the individual in this position shall be responsible to the Town for the timely response to any request for access to the public records of the Town. The custodian shall be solely responsible for the release of the public records, the conditions under which records may be inspected, and the collection of costs for the location or reproduction of said records.

### **6.03 POWERS OF THE OFFICIAL LEGAL CUSTODIAN OF THE RECORDS OF THE TOWN OF CENTER**

(1) Requests. All requests for the release, inspection and/or reproduction of public records of the Town shall be directed or referred to the Town's official legal custodian of said records.

(2) Power. The official legal custodian is hereby vested with full legal power to make all necessary decisions relative to the release, inspection and reproduction of public records and is further granted all authority necessary to carry out all duties and responsibilities required by either the Wisconsin Public Record and Property Law (Sec. 19.21-19.39 Wis. Stats.) or this ordinance.

#### **6.04 PROCEDURE FOR THE RELEASE, INSPECTION AND REPRODUCTION OF RECORDS AND PROPERTY OF THE TOWN OF CENTER.**

(1) Policy. Any public record of the Town of Center will be made available for inspection by contacting the legal custodian and an appointment made. No original public records of the Town shall be removed from the possession of the official legal custodian. The official legal custodian shall be responsible for designating where, when and how the public records of the Town may be inspected and copied.

(2) Procedure.

- (a) After the receipt of any written request for access to the public records of the Town the official legal custodian will attempt to make such records available as soon thereafter as practical. In any event, every request shall be responded to within five working days.
- (b) If a request is denied, it will be denied in writing, not later than five working days after the request has been made. If a public record cannot be made available within five working days, the official legal custodian will inform the requestor when the record can be made available.
- (c) If the official custodian determines that portions of any records requested contain information which should not be released, the custodian will edit such records to remove the material not to be released and thereafter release the balance of the document.
- (d) Any request for computer records of the Town will be referred by the official legal custodian to the individual in charge of the equipment to determine the cost of any computer search, printing charges and possible time available on the machine. Since computer time can be expensive, computer information will not be provided until the person requesting the information is informed of the estimated costs.

- (e) It is the general policy of the Town that the legal custodian will not respond to oral requests for records of the Town and, therefore, all requests for any records of the Town must be submitted in writing to the official legal custodian. It is not necessary that any person requesting access to the records of the Town identify himself or herself in order to obtain a record, nor need any person requesting access to the records of the Town state any reason for his or her request.
- (f) Any written requests for a record must reasonably describe the record or information sought. If the official legal custodian cannot reasonably determine what records or information are being requested, the request shall be denied in writing and the reason for the denial shall be stated in the written denial.

## **6.05 FEES**

(1) Copies. Any person shall have not only the right to inspect the records of the Town but also the right to receive a reproduction of such records. In the event that a person files a written request for reproduction of any of the records of the Town that person shall be informed of the costs of locating and reproducing such records. Fees shall be charged relative to the costs of locating and producing any records of the Town.

### **(2) Cost of Locating Documents.**

- (a) Most of the Town of Center's records are readily available or can be located in a relatively short period of time. There will be no fee imposed upon any person who requests a record if the cost of locating that record does not exceed \$50.00.
- (b) Some of the records of the Town are in off-site storage, archived, not on-line on the Town's computer, or otherwise not immediately available. In those cases where a record is not readily available for whatever reason and where it appears that the cost of locating a record will exceed \$50.00, the official legal custodian will seek the prior written approval of the requestor before proceeding. In addition, the custodian will endeavor, but will not be required, to provide an estimate of the total anticipated cost for locating the record.
- (c) The legal custodian will determine the cost of locating the record by using the hourly rate the Town pays to the person retrieving the records.

(3) Reproduction Expenses.

(a) Cost of making photographic copies of records where equipment is available shall be as follows:

1. \$1.00 for the first page and \$.25 per page for each additional page.
2. The actual cost to the Town of the tapes or other medium used for reproduction shall also be paid by the person making the request.

(b) Cost of reproduction of records where equipment is not available within the Town shall be as follows:

1. If equipment necessary for any reproduction is not available within the Town, the Town will rent whatever equipment is necessary to perform the function and will bill the requestor for such rental fee. The cost charge will be the actual cost paid by the Town to the third party vendor.
2. Items in such a situation would include, but would not be limited to audio or video tape reproduction equipment, microfilm or fiche or ultrafiche reproduction equipment, assorted computer hardware and software.
3. The actual cost to the Town of the tape or other medium used for reproduction shall also be paid by the person making the request.

(3) Disputes. The official legal custodian of the records of the Town shall report any disputes which arise under this fee schedule to the Town Board and shall recommend to the Town Board such modifications and revisions as he/she deems necessary.

(4) Payment of Fees.

(a) The official legal custodian of the records of the Town of Center may require the payment of costs provided herein in advance.

- (b) The official legal custodian of the records of the Town of Center may, in his/her sole discretion, elect to waive the imposition of the cost provided for herein.

#### **6.06 INDEMNIFICATION OF THE OFFICIAL LEGAL CUSTODIAN OF THE RECORDS OF THE TOWN OF CENTER**

Any costs or fees incurred by the official legal custodian of the records of the Town shall be directly reimbursed by the Town to the custodian and shall not be treated as the personal liability of the custodian.

**6.07 RECORD PRESERVATION** The records of the Town shall be retained and preserved by the official legal custodian as required by all applicable laws and no records shall be destroyed without the prior written approval of the Town Board. No record of the Town shall be destroyed after the receipt of the request for such record until after the request is granted, or until any dispute concerning the request has been completely and finally resolved.

#### **6.08 DESTRUCTION OF OBSOLETE PUBLIC RECORDS**

(1) **Financial Records.** The legal custodian may, with unanimous approval of the entire Town Board, destroy the following records of which he/she is the legal custodian and which are considered obsolete, provided that at least a sixty day notice has been given to the historical society as required by Wisconsin Statute 19.21(4), but not less than 7 years after payment or receipt of any sum involved in the particular transaction unless a shorter period has been fixed or will in the future be fixed by the Town Board on public records and then after such shorter period:

- (a) Bank statements, deposit books, slips and stubs.
- (b) Bond and coupons after maturity.
- (c) Cancelled checks, duplicates and check stubs.
- (d) License and permit applications, stubs and duplicates.
- (e) Official bonds.
- (f) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
- (g) Receipt forms.
- (h) Vouchers, requisitions, purchaser orders and all other supporting documents pertaining thereto.
- (i) Vouchers and supporting documents pertaining to charges not included in plant accounts of municipal utilities and the sewer department.

(2) **Other Records.** The legal custodian may destroy the following records which are considered obsolete, but not less than 7 years after the record was effective and only after compliance with Wisconsin Statute 19.21(4).

- (a) Contracts and papers relating thereto.
- (b) Correspondence and communications.
- (c) Financial reports other than annual financial reports.

- (d) Insurance policies.
- (e) Oaths of office.
- (g) Resolutions and petitions.
- (h) Voter record cards.

(3) This section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative regulation.