

CHAPTER 2 INDEX PUBLIC RECORDS

2.01 PURPOSE.

2.01.1 DEFINITIONS.

2.02 RECORD RETENTION.

2.03 DESTRUCTION OF OBSOLETE RECORDS.

Chapter 2 Board Action

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2.01 PURPOSE.

The purpose of this chapter is to establish a Village records retention schedule and authorize destruction of Village records pursuant to the schedule on an annual basis. This chapter shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative rules.

2.01.1 DEFINITIONS.

For the purposes of this section, the following terms shall have the meanings indicated:

- 1) **AUTHORITY.** Any of the following Village entities having custody of a Village record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing, any court of law.
- 2) **CUSTODIAN.** That officer, department head, division head, or employee of the Village designated under §2.02.1 or otherwise responsible by law to keep and preserve any Village records on file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
- 3) **RECORD.** 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 an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "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; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

2.02 RECORD RETENTION.

1) DUTY TO MAINTAIN RECORDS

- a) Except as provided under §2.024, each officer and employee of the Village 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 in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees and as required under §19.21, Wis. Stat.
- b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then

in his or her custody and the successor shall receipt therefore to the officer or employee, who shall file such receipt with the Village Clerk, If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to such successor upon the latter's receipt.

2) LEGAL CUSTODIANS

- a) The Village Clerk, Deputy Clerk or in his or her absence or disability or in case of vacancy, the Village President, is hereby designated the legal custodian of all Village records.
- b) Unless otherwise prohibited by law, the Village Clerk or the Clerk's designee shall act as legal custodian for the Village Board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Village Board.
- c) For every authority not specified in subs. (1) or (2), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- d) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.
- e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under subch. II of Ch. 19, Wis. Stats., and this subchapter. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

3) PUBLIC ACCESS TO RECORDS

- a) Except as provided in §2.02.3, any requester has a right to inspect a record and to make or receive a copy of any records as provided in §19.35(1) Wis. Stats.
- b) Records will be available for inspection and copying during all regular office hours for each authority which maintains regular business hours.
- c) 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.
- d) A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.
- e) 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.
- f) 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 the present, current per page cost as determined by the custodian. Such cost shall be 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 audiotapes or videotapes, 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 as otherwise provided per Wis. Stats. in which case the actual cost shall be determined by the legal custodian and billed to the requester.
 - 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.
 - vii. Elected and appointed officials of the Village 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.
- g) 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. This subsection does not apply to members of the Village Board.

4) ACCESS PROCEDURES

- a) A request to inspect or copy a record shall be made to the legal custodian. 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. Stats. 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 under §2.022(6)(f). 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.

- b) Each custodian, upon request for any record, shall, as soon as practicable 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, therefore. If the legal custodian, after conferring with the Village Attorney, 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.
- c) A request for a record may be denied as provided in §2.024. 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 5 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, the determination is subject to review upon petition for a writ of mandamus under §19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

5) LIMITATIONS ON RIGHT TO ACCESS

Access to records shall only be limited by relevant state and federal law.

2.03 DESTRUCTION OF OBSOLETE RECORDS.

1) FINANCIAL RECORDS

The following Village of Bloomfield village officers, pursuant to s. [19.21 \(5\)](#), Wis. stats., may destroy the financial records, except utility records, of which they are the legal custodians and that are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to s. 16.61 (3) (e), and then after such shorter period, as provided below, except that bonds and coupons after maturity may be destroyed after two years:

Bank statements, deposit books, slips and stubs.

- a) Bonds and coupons after maturity.
- b) Canceled checks, duplicates and check stubs.

- c) License and permit applications, stubs and duplicates.
- d) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
- e) Receipt Forms.
- f) Special assessment records.
- g) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

2) UTILITY RECORDS

The Village of Bloomfield village officers, pursuant to s. [19.21 \(5\)](#), Wis. stats., may destroy the following utility records of which they are the legal custodians and that are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to state Public Service Commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the state Public Records Board pursuant to s.16.61 (3) (e), and then after such a shorter period, except that water stubs, receipts of current billings and customer's ledgers may be destroyed after 2 years:

- a) Contracts and papers relating thereto.
- b) Excavation permits.
- c) Inspection records.

3) OTHER RECORDS

The Village of Bloomfield village officers, pursuant to s. [19.21 \(5\)](#), Wis. stats., may destroy the following records of which they are the legal custodians and that are considered obsolete, but not less than 7 years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state Public Records Board pursuant to s. 16.61(3)(3) and then after such a shorter period:

- a) Assessment rolls and related records, including board of review minutes.
- b) Contracts and papers relating to contracts.
- c) Correspondence and communications.
- d) Financial reports other than annual financial reports.
- e) Insurance policies.
- f) Justice dockets.

- g) Oaths of office.
- h) Reports of boards, commissions, committees and officials duplicated in the council minutes.
- i) Resolutions and petitions provided the text of the same appears in the official minutes.
- j) Election notices and proofs of publication, canceled voter registration cards, and Election materials as governed by State Statutes.
- k) Official bonds.
- l) Police records other than investigative records.

4) TAPE RECORDINGS

Any tape recordings of a governmental meeting of the City may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

5) DESTRUCTION AFTER REQUEST FOR INSPECTION

No requested records may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under W.S.A. § 19.37, the requested record may not be destroyed until after a court order is issued and all appeals have been completed. See W.S.A. § 19.35(5).

6) DESTRUCTION PENDING LITIGATION

No record subject to pending litigation shall be destroyed until the litigation is resolved.

7) REVIEW AND APPROVAL BY PUBLIC RECORDS AND FORMS BOARD.

This section and the retention periods of less than seven years have been reviewed and approved by the Wisconsin Public Records and Forms Board.

- a) Records Retention Schedules (RESERVED)
- b) Records Disposition Authorizations (RESERVED)

8) HISTORICAL SOCIETY NOTIFICATION

Prior to the destruction of any public record described in Sections IV, V, or VI at least 60 days' notice in writing shall be given to the State Historical Society of Wisconsin.”