

TOWN of ATHELSTANE
TOWN RECORDS/TOWN PROPERTY
ORDINANCE # 17

SECTION 1 TITLE/PURPOSE

This ordinance is entitled the “Town of Athelstane Public Records and Public Property Ordinance”. The purpose of this ordinance is as follows:

SECTION 2 AUTHORITY

The Town Board of Athelstane has the specific authority, powers and duties, pursuant to Sec. 19.21, 19.22, 19.23, 19.33, 19.34, 19.35, 19.36, 19.37, 19.84, 19.85, 60.22 and 60.83 (1988-1989) Wis. Stats., to manage and direct certain affairs related to Town of Athelstane public records and public property.

SECTION 3 ADOPTION OF ORDINANCE

The Town Board of Athelstane has, by adoption of this ordinance, confirmed the specific statutory, authority, powers and duties in chapters 19 and 60 (1988-1989) Wis. Stats. And has established By these chapters and this ordinance the statutory powers and duties of the Athelstane Town Board related to the Town of Athelstane records and property.

SECTION 4: PUBLIC RECORD AND PUBLIC PROPERTY RESPONSIBILITIES

All public records and public properties belonging to the Town of Athelstane, including records and public properties of officers, special offices, committees, commissions, agencies, authorities, boards or special government units of the Town of Athelstane, shall be safely kept, properly maintained and carefully preserved by the Town of Athelstane Town Clerk who shall be hereafter referred to as legal custodian thereof.

SECTION 5: PUBLIC RECORDS AND PUBLIC PROPERTY DELIVERY

a. All public records and public properties of the Town of Athelstane shall be delivered to the Town Clerk of Athelstane.

SECTION 6: PUBLIC RECORDS ACCESS

A. PUBLIC RECORDS ACCESS

The public shall have access to all public records of the Town of Athelstane upon reasonable notice to the Town Clerk who shall respond to any request within ten (10) days of the receipt of such request: provided however that the clerk any advise the requestor if additional time shall be required to comply with the request. Any person making such request shall do so in writing and shall deposit with the Town Clerk one hundred twenty five percent (125%) of the estimated cost of compliance with such request before any request shall be deemed to have been made.

B. PUBLIC NOTICE OF RECORD LOCATION –

Town of Athelstane shall adapt and display a public notice related to the custody of the public records. The public notice noted above shall be designed and published as the Town Board shall direct.

C. ACCESS TO RECORDS -

The legal custodian of any public records shall provide to any person the right to inspect any public record except if, as indicated by specific statute, this ordinance or where the similar public policy based on the exemptions in Sec. 19.85, (1988 - 1989) Wis. Stats., should allow the legal custodian to restrict public access to these records. The legal custodian, when claiming a specific exemption for denying access to public record, must make a specific demonstration to person demanding access that there is a need to restrict public access at the time of the request for access to the public record.

If and when the need to restrict the public record from public access has been eliminated, then the legal custodian must provide public access to the record. The legal custodian shall provide adequate security and restrictions for the public record when and if the legal custodian determines the record must be restricted from public access.

The specific exemptions that may allow the legal custodian to restrict public access to records include, but are not limited to those public policy exemptions for closed meetings listed in Sec. 19.85 (1988 - 1989) Wis. Stats.

D. COPYING/PHOTOGRAPHING PUBLIC RECORDS –

The legal custodian shall comply with the provisions of Sec. 19.35 (1988-1989) Wis. Stats., relating to allowing a person access to a public record to allow copying or photographing of a written public record, an audio tape, a video tape or a record to be published for later sale and distribution. The legal custodian may demand a specific written request of the person requesting the public record wherein the request will reasonably describe for the legal custodian the requested record. The request must have a reasonable limitation as to the subject matter or to the length of time represented by the record. If the legal custodian does not believe the request for the public record is sufficiently limited, the legal custodian shall notice or attempt to notice the requesting person that further subject matter or time limitations must be provided before the public record request can be fully met. The legal custodian can not request the name of the requesting person or the reasons for the need to access the public record except if the legal custodian keeps the public record at a private residence, or if the legal custodian, for security reasons, believes identification is necessary and appropriate or except if federal law and regulations requires identification of the requesting person.

The legal custodian may require supervision during the inspection and copying of any public record and may impose reasonable restrictions in the manner of access to certain records if the records are irreplaceable or easily damaged. The Athelstane Town Board declares the following records irreplaceable or easily damaged and establishes the following conditions for access and copying:

E. FEES

The Town of Athelstane may charge the actual, necessary and direct reproduction costs for a copy of a record. The Athelstane Town Board has declared these costs to be as follows:

Minimum search fee, \$10.00 and \$10.00 per hour after one hour;

Copies of minutes and other public records - \$.25 for the first page and \$.25 for each page thereafter;

Actual costs for the reproduction of other records.

In the event that any person is indebted to the town for prior records request(s) such person shall be required to deposit one hundred and twenty five percent (125%) of the estimated cost of the current request or to pay the actual cost upon receipt of the requested records as the custodian shall determine.

F. FORMAL REQUEST

If the above noted Town Board of Athelstane, any offices, any special offices, any committees, any commissions, any agencies, any authorities, any boards or other special government units in the Town of Athelstane receives a request for a record, they shall as soon as practicable and without delay either fill the request or notify the requesting person to deny the request, in whole or in part, and the reason for the denial. If the requesting person makes the request orally, the previously noted offices, committees, commissions, boards or other special government units of the Town of Athelstane may deny the request orally unless a demand for a written statement for the reason denying the request is made by the requesting person within five business days of the oral denial.

If the above noted government bodies deny a written request, in whole or in part, the requesting person shall receive from the denying government body a written statement of the reason for denying the request. The written denial by these government bodies shall include a notice that this determination for denial is reviewable by mandamus under Sec. 19.37(1), (1988-1989) Wis. Stats., or upon application to the attorney general or district attorney of the County of Marinette.-

G. RECORD OF DISTRUCTION

The Town Board of Athelstane, any officer, any office, any special office, any committee, any commission, any agency, any authority, any board or other special government units of the Town of Athelstane or any officer, employee or agent of the above noted may not destroy any public record at any time until after the request is granted or until at least sixty (60) days after the date that the request is denied. If an action is commenced under Sec. 19.37,(1988-1989) Wis. Stats., within one hundred and fifty days(150) after the request is denied or after the decision of the trial court, whichever is later, the requested record may not be destroyed until after the final order of the trial court and after any final appellate court. Upon order to produce the record and the order is not appealed, the requested record may not be destroyed until after the request for inspection or copying is granted.

H. LIMITATION UPON ACCESS

Prior to any public release, the legal custodian shall separate specific information and material from the public record that should not be released to the public because the release of the information or material would be prejudicial to the public interest. Specifically, certain records are exempt pursuant to Sec. 19.36, (1988-1989) Wis. Stats., from public release and may be withheld by the Town of Athelstane disclosure:

1. Records which are specifically exempted from disclosure by federal or state law.

2. Law enforcement records relating to investigations, information obtained for law enforcement purposes that are required by federal law or regulation to be withheld as a condition to receipt of aid by the state.
3. Records produced or collected under a contract entered into with a private person.
4. Materials used for input for a computer program or the material produced as a product of the computer program.
4. Any record or a portion of a record containing information qualifying as a common law trade secret.
5. Any record not to be disclosed as a public record under policy provision of Sec. 19.85,(1988-1989) Wis. Stats., related to open meetings.

SECTION 7 NOTICE TO HISTORICAL SOCIETY

The Town Board of Athelstane, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town of Athelstane and their officers, their employees and their agents of the aforesaid, prior to the destruction of any public records belonging to the town, noted below in Sec.(2) shall provide at least sixty(60) days notice, in writing, to the State Historical Society of Wisconsin. The Town Board of Athelstane shall not be requested, pursuant to Sec. 19.21,(1988-1989) Wis. Stats., to provide notice to the State Historical Society of Wisconsin if the Town Board previously, by application, has received a waiver.

SECTION 8: CONDITIONS AND TERMS FOR DESTRUCTION OF PUBLIC RECORDS

TYPES OF RECORDS DESTROYED –

The Town Board of Athelstane, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the Town of Athelstane and their officers, their employees and their agents of the aforesaid shall destroy the following public records of the Town of Athelstane only upon the conditions noted below and at the time noted below:

All other public utility records of the Town of Athelstane, the above noted custodians may destroy at anytime ten (10) years after the record was effective, unless a shorter time period has been fixed by the state Public Records and Forms Board pursuant to Sec. 16.61(3) (e), (1988-1989) Wis. Stats., and then only after that shorter time period.

OBSOLETE FINANCIAL RECORDS

All financial records of the Town of Athelstane that are not utility records, the Town Board of Athelstane and their officers, their employees or their agents of the aforesaid, who are the legal custodians of these financial records of the Town of Athelstane, if these financial records are considered obsolete, the above noted legal custodians may destroy these financial records at anytime ten (10) years after the record was effective, unless a shorter time period has been fixed by the state Public Records and Forms Board pursuant to Sec. 16.61(3)(e),(1988-1989) Wis. Stats., and then only after that shorter time period.

OTHER OBSOLETE RECORDS

All other Public records of the Town of Athelstane that are not utility or financial records, the Town Board of Athelstane, any office, any special office, any committee, any commission, any agency, any authority, any board, or any other special government units of the Town of Athelstane and their officers, their employees, or their agents of the foresaid who are the legal custodians of these records of the Town of Athelstane, if these records are considered obsolete, the above noted custodians may destroy these records at anytime seven (7) years after the record was effective unless another period has been set by statute and then only after such a period, or unless a shorter time period has been fixed by the state Public Records and Forms Board pursuant to Sec. 16.61 (3)(e), (1988-1989) Wis. Stats., and then only after that shorter time period.

SPECIFIC DATE OF DESTRUCTION FOR SPECIFIC PUBLIC RECORDS

The Town Board of Athelstane desires specifically that the following public records of the Town, its offices, its special offices, its committees, its commissions, its agencies, its authorities, its boards or other special government units of the Town of Athelstane not be destroyed until after the years listed below;

(LIST EXAMPLES)

Tax receipts for the Town of Athelstane – 10 years after the receipt was issued by the Town of Athelstane.

Contracts and insurance policies issued to the Town of Athelstane – 10 years after the policy was issued to the town.

Legal claims against the Town of Athelstane – 10 years after the claim was noticed to the Town of Athelstane.

SECTION 9: TAPED RECORDS OF MEETINGS

The Town Board of Athelstane, any office, any special office, committee, commission, agency, authority, board or any other special government units of the Town of Athelstane and their officers, employees and their agents of the aforesaid may destroy any taped records of any public meeting of the aforesaid no sooner than ninety (90) days after the public meeting minutes have been approved by the appropriate government unit if the purpose of the tape recording was to make and maintain minutes of the public meeting.