

TOWN OF RICHMOND, ST. CROIX COUNTY, WISCONSIN
ORDINANCE 2024-02
AN ORDINANCE REGARDING PUBLIC RECORDS

SECTION 1 – TITLE AND PURPOSE

This ordinance is entitled the Town of Richmond Ordinance Regarding Public Records. The purpose of this ordinance is to ordain how the Town maintains public records.

SECTION 2 – PUBLIC RECORDS

1) Definitions.

- a. Authority. Any of the following Town entities having custody of a Town record: an office, elected or appointed official, agency, board, commission, committee, town board, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.
- b. Custodian. That officer, department head, division head or employee of the Town designated under sub.(3) or otherwise responsible by law to keep and preserve any Town records or file, deposit or keep such records in his office or who is lawfully in possession or entitled to possession of such public records and is required by this section to respond to requests for access to such records.
- c. 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, hand-written, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. 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 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) Duty to Maintain Records.

- a. Except as provided under sub.(5), each officer and employee of the Town shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited or kept in his office or which are in the lawful possession or control of the officer or employee or his deputies, or to the

possession or control of which he or they may be lawfully entitled as such officers or employees.

- b. Upon the expiration of an officer's term of office or an employee's term of employment becomes vacant, each such officer or employee shall deliver his successor all records then in his custody and the successor shall receipt therefore to the successor to be delivered to such successor upon the latter's receipt.

3) Legal Custodians.

- a. Each elected or appointed official is the legal custodian of his records and the records of his office, but the official may designate an employee of his staff to act as the legal custodian.
- b. Unless otherwise prohibited by law, the Town Clerk or the Clerk's designee shall act as legal custodian for the Town Board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Town Board and of the records of the Town Treasurer and law enforcement personnel.
- c. Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee.
- d. 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 section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

4) Public Access to Records.

The Town shall follow the procedures and requirements outlined in Wis. Stat. §§ 19.31–19.39 for all requests for public records.

The cost of photocopying shall be \$0.25 per page. Such cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.

5) Destruction of Records.

Records management is regulated by Wisconsin state law. The Town may destroy records as permitted and provided by § 19.21, Wis. Stats.

The General Records Schedules (GRSs), created by the Wisconsin Public Records Board, provide legal authorization to dispose of records on a regularly scheduled basis. GRSs are a mechanism for consistent retention and disposition of similar types of records across all government units and provides assurance of accountability to the public. GRSs also contain guidelines for complying with legal, fiscal, and archival requirements for records retention and facilitate cost-effective management of records commonly found in all government units.

The Town Board hereby adopts the GRSs as guidance for destruction of records that are created or received by the Town. Any future amendments, revisions, or modifications of the GRSs made by the Public Records Board are intended to be made a part of this Section 5.

When a record has met the terms of the retention period, the record may be destroyed by the legal custodian of the record, provided the custodian has complied with the notification requirement set forth in § 19.21(4), Wis. Stats., to the Wisconsin State Historical Society

SECTION 3 – EFFECTIVE DATE

This ordinance shall become effective upon its publication and/or posting in the manner set forth in § 60.80, Wis. Stats.

Adopted this 8th day of February, 2024.



Gary Knutson, Town Chair

Attest:



Patrick Earley, Town Clerk

Voted for: 5
Voted against: 0
Abstained: 0
Absent: 0
Date enacted: 2-10-24