

**ORDINANCE # 2-2024 PUBLIC RECORDS
TOWN OF DRAPER, SAWYER COUNTY, WISCONSIN**

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Draper Public Records Ordinance. The purpose of this ordinance is to provide the public with a procedure to access public records of the Town of Draper in accordance with Chapter 19, Subchapter II, Wisconsin Statutes. It is the intent of the Town of Draper to comply with all local ordinances and State laws regarding public records and access to said records.

SECTION II – AUTHORITY

The town board has the authority under s. 60.22, Wis. Stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the Town of Draper administration of public records.

SECTION IV – DEFINITIONS

In this Ordinance:

- A. “Authority” means any of the following Town entities having custody of a Town Record: an office, elected official, agency, board, commission, committee, council department or public body corporate and politic created by constitution or by any law, ordinance, rule or order.
- B. “Custodian” means (1) the officer, department head, or any employee of the Town designated or otherwise responsible by law to keep and preserve Town Records and files and deposit or keep such Records in their office or (2) the officer, department head, of employee of the Town lawfully in possession or entitled to possession of such Public Records and who is required by the Town to respond to requests for access to such Records.
- C. “Public Record” or “Record” means any material which written, drawn, printed, spoken, visual or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an Authority. The term “Record” includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. The term “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 the person for whom the originator is working; materials that are purely the personal property of the Custodian and do not relate to the Custodian’s 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 that

are available for sale or published materials available for inspection in a public library. However, if a draft or preliminary document is used as if it were a final document, it is not excluded from the definition of Record.

D. "Town" means the Town of Draper in Sawyer County, Wisconsin.

All other terms used in this ordinance but not defined herein shall have the meaning set forth in Chapter 19, Subchapter II, Wisconsin Statutes.

SECTION V – DUTY TO MAINTAIN RECORDS

Except as otherwise permitted by law, each officer and employee of the Town shall safely keep and preserve all property and things received from their predecessor or other persons as required by law. Upon expiration or termination of an officer's term of office or employee's term of employment, or whenever the office or position of employment becomes vacant, each officer or employee shall deliver to their successor all Records under their custody. No Records shall be deleted or destroyed. If a vacancy occurs before a successor is found, all Records of that position shall be delivered to the Town Clerk.

SECTION VI – REQUESTS FOR RECORDS

Requests for Records may be made verbally or in writing. Any person has a right to inspect a Record or to make or receive a copy as provided in § 19.35(1), Wis. Stats. Access to the Town's Records may be obtained during the Clerk's regular office hours, Monday – Tuesday, 8:00 a.m. – 2:00 p.m. at Town Hall, 6994N Main St., Loretta, WI 54896. A requester shall be permitted to use a facility comparable to those available to Town employees to inspect, copy, or abstract a Record. The Authority is not required to provide extra equipment or a separate room for public access to Records.

The Custodian may refuse to allow the requester to use his or her own copier to copy the Record in order to protect the original. The Custodian may require supervision during inspection or may impose reasonable restrictions on the manner of access to an original Record if the Record is irreplaceable or easily damaged.

SECTION VII – FEES FOR INFORMATION REQUESTS

Photocopies: The Town shall collect from the requester actual costs for copying of \$.25 cents per page, plus mailing and research costs, if applicable. Visual inspections of Public Records during normal business hours are at no charge, however, an appointment may be necessary depending on the request.

USB Stick: The cost for downloading information to a USB will be the actual cost of the Town to purchase a USB stick, plus mailing and research costs, if applicable.

WisVote Voter Records: Requestors are encouraged to use the Wisconsin Elections Commission's website Badger Voters at <https://badgervoters.wi.gov/> to retrieve voter records. If

the requestor asks for the same data from the Town Clerk, the cost, which is set by the State, is \$25.00 plus an additional \$5.00 per 1000 names on the report.

Research Costs: Costs associated with locating a Record not readily accessible will be passed on to the requester for locating the Record. Per § 19.35(3), Wis. Stats., if the costs for locating a record exceed \$50.00, the Authority may impose this fee on the requester. The cost of separating confidential parts of a Record from the parts to be released may not be charged. 72 Op. Att'y Gen. 99 (1983).

Prepayment of Fees: Prepayment of fees is required if the fee exceeds \$5.00.

SECTION VIII – ACCESS PROCEDURES

A request to inspect or copy a Record shall be made to the Custodian. Each Authority, 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 thereof. If documents are not easily retrieved, the Custodian shall an acknowledgment of the request within 7 business days (not including holidays). 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 the 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.

SECTION IX – LIMITATIONS ON RIGHT TO ACCESS

As provided by § 19.36, Wis. Stats., the following Records are explicitly exempt from inspection under this section:

- A. Records specifically exempted from disclosure by State or Federal law or authorized to be exempted from disclosure by State law;
- B. 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 to receipt of aids by the State;
- C. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection;
- D. A Record or any portion of a Record containing information qualifying as a trade secret as defined in § 134.90(1)(c), Wis. Stats.

In responding to a request for inspection or copying of a Record which is not specifically exempt from disclosure, the Custodian, after conferring with the Town Attorney, may deny the request in whole or in part, only if determined that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested Record.

SECTION X – CUSTODIANS OF TOWN RECORDS

TOWN CLERK

The Town Clerk is the Custodian of all Records of the Town pertaining to Town Board of Supervisors' matters, legal documents/recordings, elections, liquor licensing, accounts payable, tax roll special assessments, ordinances, and resolutions, personnel records, payroll, budgetary files, and accounts payable.

TREASURER

The Treasurer is the Custodian of Records pertaining to tax bills, bank statements, investments, accounts receivable, and dog licensing.

ASSESSOR

The Town Assessor is the Custodian of Records pertaining to property and personal property tax assessments.

PLAN COMMISSION

The Plan Commission Chair, or his/her designee, is Custodian for all Records pertaining to the business of the Plan Commission, site plan reviews, preliminary and final plats, zoning, rezoning, building permits, and mapping.

FIRE CHIEF

The Fire Chief, or his/her designees, is the Custodian of all records pertaining to the administration of the Town of Draper fire activities. Due to the demands of this department, fire personnel may not be regularly available and appointments are strongly encouraged to access such Records.

TOWN BOARD OF SUPERVISORS

The Town Clerk is the Custodian of all records of the Board of Supervisors. However, each supervisor is the Custodian of all records generated outside of the Town Hall (such as email sent to their homes) and business conducted personally outside of the Clerk's knowledge.

SECTION XI - DESTRUCTION OF RECORDS

The destruction of Town records shall be governed by §§ 19.21 and 16.61, Wis. Stats., and local ordinance. The Town will retain records for at least the minimum period of time required by Wisconsin Statutes or local ordinance.

SECTION XII – SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION XIII – ERRORS AND OMISSIONS

Any information given orally or in writing by Town officials, may be subject to errors or omissions, and shall not be a binding liability upon the Town of Draper.


The Town Board of Supervisors shall authorize the Town Clerk and/or the Town Attorney to maintain this policy and make amendments according to changes required by law and to keep up-to-date information regarding the Custodians of Records.

SECTION XIV – EFFECTIVE DATE

This ordinance is effective upon publication or posting.

The Town Clerk shall properly post or publish this ordinance as required under § 60.80, Wis. Stats.

Adopted this 10th day of June, 2024


Richard Burt, Chairman


Timothy Kelley, First Supervisor


Steve Beining, Second Supervisor


Attested by Elizabeth Klein, Clerk