

2018-01

NOTICE OF RECORDS ACCESS (REVISED)

The Clerk of the Town of Lac du Flambeau, Vilas County, Wisconsin, by this notice states that the Clerk of the Town of Lac du Flambeau has been designated under s. 19.33, Wis. stats., as the legal custodian of records for the Town of Lac du Flambeau, except that elected officials are the custodians of their own records of office and chairpersons of committees of elected officials are custodians of the records of the committee, except for the committees which operate independent of the Town Board, such as the Library Committee and the Airport Committee. Those Committees designate their own legal custodian of records and have their own public notice of records access.

The public may obtain information and access to records in the custody of the Clerk or other appropriate legal custodian, make requests for records, or obtain copies of records, and learn the costs of obtaining copies of records from the Town Clerk or other appropriate legal custodian as follows:

Section 1. Release.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Record means the term as it appears in Wis. Stats. 19.32(2).

(b) *Legal custodian.* The Town Clerk, or the Deputy Clerk if the Town Clerk is unavailable, is the legal custodian of all public records which respectively fall under his/her direct jurisdiction as well as the adjunct records of elected officials from such meetings and in such capacity as results from the normal interaction of elected official and custodian in the discharge of their normal duties and responsibilities.

(c) *Requests for records or property.* All requests for the inspection, release or reproduction of public records of the town shall be directed or referred to the respective custodian. The custodian is vested by the town board with full authority to make all reasonable and necessary decisions relating to the inspection, release or reproduction of public records of the town and is further granted all authority intended to be vested in him/her by the Wisconsin Public Records and Property Law (Wis. Stats. 19.31 et seq.). The custodian is authorized to review and discuss any requests for records with the Town Attorney.

(d) *Procedure for inspection, release or reproduction.* The town board hereby adopts the following notice, as required by Wis. Stats. 19.34, to be prominently displayed and made available at the town offices for the guidance of the public in obtaining access to the public records or property:

PUBLIC RECORDS AND PROPERTY NOTICE

Pursuant to law, this notice has been adopted by the Lac du Flambeau Town Board of Supervisors, an organization subject to the Wisconsin Public Records and Property Law. The town board has directed that this notice be placed in a prominent place at the town offices, so that the same may be inspected by members of the general public.

1. The town board has designated the Town Clerk, as legal custodian of all public records as defined herein. The name of the individual presently holding the position of custodian or elected official can be obtained at the following address:

Town of Lac du Flambeau Town Office
Nancy Edwards, Town Clerk
PO Box 68
109 Old Abe Road (STH 47)
Lac du Flambeau, WI 54538
Telephone 715-588-3358

2. Any public record of the town, as defined by Wis. Stats. 19.32, will be made available for inspection at the town offices between 10 a.m. and 3 p.m., Monday through Thursday, except holidays.
 3. No original public records of the town shall be removed from the possession of the custodian.
 4. The official procedure by which record inspection and/or reproduction shall be requested is provided in Section 2.
 5. Fees may be charged for the costs of reproducing and/or locating official records according to Section 3.
- (e) *Adoption of procedure and fee schedule.* The town board adopts the procedure set forth in Section 2 and the official notice contained in subsection (d) of this section, as the proper procedure by which a request for records and property shall be made. The town also adopts the fee schedule in Section 3 as the official fee schedule for the locating and reproduction of records or property of the town. This Public Records and Property Notice shall be reviewed every two years after adoption by the Town Board.
- (f) *Records preserved.*
- (1) The records of the town shall be retained and preserved by the custodian, as required by the Wisconsin Public Records and Property Law or other

applicable statutes. No such records shall be destroyed without the prior written approval of the town board.

(2) No official record of the town shall be destroyed after receipt of such a request for such record, until such request is granted, or until any dispute concerning the propriety of the request has been completely and finally determined.

(g) *Indemnification of custodian.* Any costs or fees incurred by the custodian of the records in pursuit of custodial duties under this article shall be directly reimbursed by the town to the custodian and shall not be treated as the personal liability of the custodian.

Section 2. Procedure for requesting inspection or reproduction.

(a) The custodian will accept oral requests for records of the town, however, for efficiency and clarity, it is suggested that all requests for records or public property should be submitted in writing to the custodian. The requesting party need not disclose his/her identity or the purpose for which the records are sought. A request form is available in the office.

(b) Any request for a record must reasonably identify the record or information sought. If the custodian cannot reasonably determine the subject of the request, the request shall be denied in writing with the reason for such denial being stated.

(c) After receipt of a written request for access to the records of the town, the custodian shall attempt to make such records available as soon as is practical. In any event, every request shall either be granted or denied or responded to within ten business days of its making.

(d) If a public record cannot be made available within ten business days, the custodian will inform the requesting party within that period when the record can be made available and shall produce it within a reasonable time.

(e) If any records of the town are requested which are necessary for the daily operation of the town, the official custodian may arrange for the records to be inspected before or after regular business hours.

(f) If the custodian determines that portions of any records requested contain information which should not be released by law, the custodian shall redact such records to delete such material and shall thereafter release the balance.

(g) Any requests for computer records of the town, if any, will be referred by the custodian to the person in charge of the equipment which will be used to produce the information, to determine the cost of any such computer search, printing charges and

availability of computer search time. Computer information will not be provided until the person requesting the information is informed of the estimated actual costs of production and/or printing.

- (h) A person requesting the right to inspect records of the town also has the right to receive a reproduction of such records. Any request for reproduction shall be filed with the request for inspection of the records. On receipt of a request for reproduction of records, the custodian shall inform the requesting party of the costs of locating and reproducing such records. Fees shall be charged by the custodian at or prior to delivery of the reproductions, in the custodian's discretion, according to the schedule in Section 3. On all requests for audio recordings, a new personal thumb drive will be provided and the full cost of same will be charged to the requestor. Alternatively, if the requested provides a new thumb drive in a package with the request there will be no charge for the thumb drive.

Section 3. Fees for locating or reproducing public documents.

- (a) *Location costs.* Fees for location or reproducing public documents include actual necessary and direct costs of location if the cost is \$50 or more. In addition, if the town has actual costs in complying with the request such as computer programming expenses or related expenses, those can be charged.
- (b) *Reproduction expenses.*
 - (1) The custodian shall charge for each page of records which can be copied on a standard office copying machine.
 - (2) A fee shall be paid by the requesting party for clerical help in making the copies in an amount necessarily incurred by custodian.
 - (3) If reproduction of records involves the use of equipment not ordinarily available in the offices of the town, the custodian shall charge the requesting party the actual cost to the town of procuring copies of such records, including any costs of rental of equipment or purchase of film, tape or other recording media.
 - (4) Photocopies, letter sized, \$.25/page.
Photocopies, larger than letter sized or colored pages, \$.50/page
 - (5) Any specific costs incurred by the custodian in complying with the request for actual costs incurred by computer programming or other related expenses. It can also include the costs of mailing and shipping unless the cost is less than \$5.00.

- (c) *Disputes.* The custodian shall report any disputes which arise under the fee schedule to the town board and shall recommend to the board any modifications or revisions as the custodian believes are necessary.

2018-01 (REVISED)

ORDINANCE ADOPTING NOTICE OF RECORDS ACCESS

The Town Board of the Town of Lac du Flambeau, Vilas County, Wisconsin, has the specific authority under s. 19.34, Wis. stats., to adopt this 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, adopts the attached Notice of Records Access, which, pursuant to s. 19.34 (1), Wis. stats., contains a description of the Town's organization and the established times and places at which, the legal custodian from whom, and the methods whereby the public may obtain information from and access to records in the Town's custody, make requests for town records, or obtain copies of town records, and the costs thereof, and the attached to this Ordinance is so adopted.

Attached hereto and incorporated herein is a Notice of Records Access

The Town Clerk shall prominently display and make available for inspection and copying at the Town offices copies of the Notice of Records Access, for the guidance of the public. This ordinance is effective on _____.

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

Adopted this _____ day of _____ 2018.

Matthew Gaulke, Town Chairperson

Chris Mayer, Supervisor

Robert Hanson, Supervisor

Attest: _____
Nancy Edwards, Town Clerk