

## **Chapter 138**

### **RECORDS**

**[HISTORY: Adopted by the Village Board of the Village of Plover 6-4-1985 as Ch. 1, Subchapter IV of the 1985 Code. Amendments where noted where applicable.]**

#### **§ 138-1. Designation of legal custodian.**

The Village Board hereby designates the Village Clerk as the official legal custodian of the public records of the Village. It shall be the responsibility of the Clerk to carry out all duties and responsibilities imposed upon the Village and legal custodian by the Wisconsin Public Records and Property Law as set forth in §§ 19.31 to 19.39, Wis. Stats. As such legal custodian, the Village Clerk shall be responsible to the Village Board for the timely response to any request for access to the public records of the Village. The custodian shall be solely responsible for the release of the public records of the Village, the conditions under which records may be inspected and the collection of costs for the location and reproduction of such records.

#### **§ 138-2. Designation of deputy legal custodians.**

The Deputy Village Clerk, the Chief of Police and the Fire Chief are hereby designated as deputy legal custodians to act as legal custodian in the absence of the Clerk and, in the case of the Chief of Police and the Fire Chief, to serve as principal legal custodians of Police and Fire Department records, respectively.

#### **§ 138-3. Notice to all employees.**

It is directed that all employees of the Village be informed in writing of the designation of the legal custodian and deputy legal custodians of the public records of the Village. Employees shall be further informed of the duties of the official legal custodian and shall also be made aware of the other requirements and provisions of this chapter.

#### **§ 138-4. Powers of legal custodian.**

All requests for the release, inspection and/or reproduction of public records of the Village shall be directed or referred to the legal custodian who is hereby vested with full legal power to make all necessary decisions relative to the release, inspection and reproduction of public records and is further granted all authority necessary to carry out all duties and responsibilities required by either the Wisconsin Public Records and Property Law or this chapter.

#### **§ 138-5. Notice of procedures.**

The official notice titled "Public Access to Village Documents and Records" is hereby adopted by reference and made a part hereof.

**§ 138-6. Access procedures; limitations on access.**

Upon receiving a request for a public record of the Village, the legal custodian shall follow the procedure set forth in §§ 19.35 and 19.36, Wis. Stats.

**§ 138-7. Fee schedule.**

The Village Board shall, from time to time, adopt a fee schedule to cover the actual costs related to the production of any of the records of the Village. It is intended that this fee schedule shall cover the actual, necessary and direct costs incurred in providing any person with a reproduction of any of the records of the Village.

**§ 138-8. Preservation of records.**

The records of the Village shall be retained and preserved by the legal custodian as required by all applicable laws, and no records shall be destroyed without the prior written approval of the legal custodian. Further, no record of the Village shall be destroyed after the receipt of a request for such record until after the request is granted or until any dispute concerning the request has been completely and finally resolved.

**§ 138-9. Destruction of obsolete public records.** [Amended by Ord. No. 8-10]

A. Financial records. The Village Clerk may destroy the following non-utility records of which he is the legal custodian and which are considered obsolete after completion of an audit by state auditors or an auditor licensed under Ch. 442, Wis. Stats., 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 or will in the future be fixed by the State Public Records Board, pursuant to § 16.61(3)(e), Wis. Stats., and then after such shorter period:<sup>1</sup>

- (1) Bank statements, deposit books, slips and stubs.
- (2) Bonds and coupons after maturity.
- (3) Canceled checks, duplicates and check stubs.
- (4) License and permit applications, stubs and duplicates.
- (5) Official bonds.
- (6) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
- (7) Receipt forms.
- (8) Special assessment records.
- (9) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (10) Vouchers and supporting documents pertaining to charges not included in plant

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

accounts of municipal utilities.

- B. Utility records. The Village Clerk may destroy the following records of any municipal utility subject to the regulations of the State Public Service Commission of which he is the legal custodian and which are considered obsolete after completion of an audit by the state auditors or by an auditor licensed under Ch. 442, Wis. Stats., but not less than two years after payment or receipt of the sum involved in the applicable transaction:
  - (1) Sewer rental charge stubs.
  - (2) Receipts of current billings.
  - (3) Customers' ledgers.
- C. Other records. The Village Clerk may destroy the following records of which he is the legal custodian and which are considered obsolete, but not less than seven years after the record was effective:
  - (1) Assessment rolls and related records, including Board of Review minutes.
  - (2) Contracts and papers relating thereto.
  - (3) Correspondence and communications.
  - (4) Financial reports other than annual financial reports.
  - (5) Insurance policies.
  - (6) Oaths of office.
  - (7) Reports of boards, commissions, committees and officials duplicated in the Village Board minutes.
  - (8) Resolutions and petitions.
  - (9) Voter record cards.
- D. Village officers may destroy records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Ch. 442, Wis. Stats., 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 § 16.661(3)(e), and then after such shorter period.
- E. Notice required. Prior to the destruction of any public record described above, at least 60 days' notice shall be given to the State Historical Society.
- F. Limitation. This section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative regulation.