

# Municipal Code - Administration & Personnel

## OMRO MUNICIPAL CODE

### Title 2 ADMINISTRATION AND PERSONNEL

#### Chapter 2.56 BOARDS, COMMITTEES AND COMMISSIONS GENERALLY

- 2.56.010 Meetings and public notice
- 2.56.020 Residency required for service on boards and commissions
- 2.56.030 Committee and commission rules

#### 2.56.010 Meetings and public notice.

A. Regular Meetings--Public Notice. Every board, committee and commission created by or existing under the ordinances of the city shall fix a regular date, time and place for its meeting.

#### B. Notice of Meetings.

1. Every meeting of any board or commission of the city, and/or any committee appointed or created by the mayor or common council of the city shall be preceded by public notice and shall be held in open session at a place acceptable to the public in accordance with the provisions of Chapter 19, Subchapter IV Open Meetings of Governmental Bodies, Wis. Stats., unless otherwise authorized by law.

2. Such notice shall be given in writing to the official newspaper, and in addition thereto, shall be posted in at least one location likely to give notice to the public of such meeting.

3. A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.

4. Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, which may be authorized by law, and may be in the following form:

NOTICE OF MEETING

CITY OF OMRO, WISCONSIN

(commission)

Please take notice that a meeting of the (commission) of the City of Omro will be held on (date), 20\_\_, at (time) p.m., at the City Hall, in Room \_\_\_\_\_ to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated: \_\_\_\_\_

(Commission)

By \_\_\_\_\_

The Omro City Hall is accessible to the physically disadvantaged. If special accommodations for visually or hearing impaired individuals are needed, please contact the Omro City Administrator.

C. Notice to Members. Every member of any board, commission or committee of the city shall be notified by the secretary thereof or designee, that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.

D. Minutes to Be Kept. Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the city administrator within one week of the meeting date. The city administrator shall furnish a copy of all minutes filed with him to the mayor and to each member of the common council. All such minutes shall be public records. (Prior code § 2-4-10)

2.56.020 Residency required for service on boards or commissions--Attendance standards.

A. Residency. Except for the library board, and Omro area community center committee, no person not a resident of the city shall be appointed in a voting capacity to any city board, committee or commission. Any such member who moves from the city shall be removed from such board, commission or committee, but may be appointed to serve in an ex officio capacity.

B. Attendance Standard. Members of boards, committees and commissions are required to attend a minimum of two-thirds of the meetings in each six-month period of their respective bodies, unless excused by the membership of their body. Failure to comply with this subsection may result in the removal and replacement of the official found to be in noncompliance.

C. Member Subject to Removal. Any member of any board or commission who violates any provision of this section or who knowingly attends a meeting held in violation hereof may be removed as a member of such board or commission after being granted a public hearing, by the appointing authority and upon concurrence of the common council. (Prior code § 2-4-11)

2.56.030 Committee and commission rules.

A. Except as provided herein, the provisions of Section 2.04.180 relating to rules of procedure for the common council, together with Roberts Rules of Order, shall as far as applicable, also apply to committee, board and commission meetings.

B. A simple majority of the members of a board, committee or commission shall constitute a quorum. (Prior code § 2-4-12)

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#### Chapter 2.60 BOARD OF HEALTH

2.60.010 Composition

2.60.020 Responsibilities

2.60.010 Composition.

The common council shall serve as the city board of health. The council shall make a recommendation to the mayor on appointing a competent and proper person who shall be, whenever the same is applicable, a reputable physician, who shall be the health officer of the city and who shall, during his or her term of office, be an ex officio officer of the board. (Prior code § 2-4-3(a))

2.60.020 Responsibilities.

A. The board of health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the board of health to assume the general administration of health and sanitation laws and regulations in the city and to attend to the

administration and enforcement of the health laws of the state and the rules and regulations prescribed by the State Board of Health and the ordinances of the city.

B. The board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the city. All orders and regulations of the board shall be published in the official newspaper and, after publication, shall have the force and effect of ordinances, including penalty for violation. (Prior code § 2-4-3(b))

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#### Chapter 2.64 BOARD OF REVIEW

- 2.64.010 Composition
- 2.64.020 Meetings
- 2.64.030 Compensation
- 2.64.040 Objectives to valuations to be written
- 2.64.050 Duties
- 2.64.060 Board's Duty

#### 2.64.010 Composition.

The board of review shall consist of the mayor, and three alderpersons annually appointed by the mayor. (Prior code § 2-4-1(a))

#### 2.64.020 Meetings.

The board shall meet annually on the second Monday of May and from day to day thereafter as may be necessary. A majority shall constitute a quorum. (Prior code § 2-4-1(b))

#### 2.64.030 Compensation.

Each member, except members who are full-time employees or officers of the city, shall receive such compensation as shall be fixed by the council. (Prior code § 2-4-1(c))

#### 2.64.040 Objections to valuations to be written.

No person shall be permitted to appear and make objection before the board to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed

with the clerk of the board prior to the adjournment of public hearing by the board. (Prior code § 2-4-1(d))

#### 2.64.050 Duties.

The duties and functions of the board of review shall be as prescribed in Sections 70.46, 70.47 and 70.48, Wis. Stats. (Prior code § 2-4-1(e))

#### 2.64.060 Boards duty.

The board shall carefully examine the assessment roll and correct all apparent errors in description or computation. It shall add all omitted property but shall not raise or lower the assessment of any property except after hearing, as provided by the statutes. (Prior code § 2-4-1(f))

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### Chapter 2.68 LIBRARY BOARD

2.68.010 Membership and Terms

2.68.020 Duties and powers

#### 2.68.010 Membership and terms.

Pursuant to Section 43.54, Wis. Stats., the library board shall consist of seven members appointed by the mayor, subject to confirmation by the council, to serve three-year terms. One member shall be a school district administrator or his or her representative, and not more than one member of the council shall serve on the library board at any one time. Up to two members may be appointed who are residents of adjacent townships. (Prior code § 2-4-2(a))

#### 2.68.020 Duties and powers.

A. The library board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in Section 43.58 of the Wisconsin Statutes. The library board shall appoint the librarian and other library employees.

B. The library board shall submit annually to the council an itemized budget of the estimated expenses of the library for the following year. (Prior code § 2-4-2(b))

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### Chapter 2.72 CITY PLAN COMMISSION

2.72.010	Composition
2.72.020	Appointment
2.72.030	Organization of commission
2.72.040	Record
2.72.050	Duties
2.72.060	Vacancies
2.72.070	Compensation-Oath

#### 2.72.010 Composition.

The plan commission shall consist of the mayor, who shall be the presiding officer, one alderperson, the chairperson of the park committee, director of public works, and three citizens. (Prior code § 2-4-5(a))

#### 2.72.020 Appointment.

A. Election/Appointment of Alderperson Member. At its annual organizational meeting in April of each year the common council shall, by a two-thirds majority vote of its members, elect one of its number as a member of the city plan commission for a period of one year from and after the first day of May next ensuing.

B. Appointment and Terms of Citizen Members. The three citizen members shall be appointed by the mayor, subject to council confirmation, on the third Tuesday of April in each year to hold office for a staggered term of three years commencing with the third Tuesday of April.

C. Park Committee Chairperson. If the chairperson of the park committee is an alderperson, he or she may serve on the commission in a dual capacity and an additional citizen shall be appointed so that the commission has seven members. Such additional citizen member shall be appointed for a one-year term. (Prior code § 2-4-5(b))

#### 2.72.030 Organization of commission.

The mayor shall serve as presiding officer. The plan commission shall organize by the election of a vice-chairman, secretary and such other officers as may in their judgment be necessary. (Prior code § 2-4-5(c))

## 2.72.040 Record.

The plan commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the city administrator. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the commission. (Prior code § 2-4-5(d))

## 2.72.050 Duties.

### A. The Master Plan.

1. The plan commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to common council confirmation, for the physical development of the city including areas outside of its boundaries which, in the plan commissions judgment, bear relation to the development of the city. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the commissions recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.

2. The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the plan commission, subject to confirmation by the common council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified to the common council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the plan commission and the common council in the performance of their duties.

B. Mandatory Referrals to Commission. The common council or officer of the city having final authority thereon shall refer to the plan commission, for its consideration and report before final action is taken by the council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or

other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the city or within the territory over which the city is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the commission is made within thirty days, or such longer period as may be stipulated by the common council, the council or other public body or officer may take final action without it.

C. Miscellaneous Powers. The commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the common council programs for public improvements. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the common council. (Prior code § 2-4-5(e))

#### 2.72.060 Vacancies.

Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term. (Prior code § 2-4-5(f))

#### 2.72.070 Compensation--Oath.

Compensation shall be as established by the common council. Citizen members shall take the official oath as required by Section 19.01, Wis. Stats., such oath to be filed with the city administrator. (Prior code § 2-4-5(g))

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#### Chapter 2.76 EQUAL OPPORTUNITIES COMMISSION

2.76.010 Composition

2.76.020 Powers



2.76.010 Composition.

The mayor, subject to council confirmation, shall appoint an equal opportunities commission, consisting of five members. One member shall be an alderperson whose term of office shall be one year. Four members shall be citizen members whose terms of office shall be for two years. Commission members shall be residents of the city and shall receive no compensation for their services. (Prior code § 2-4-8(a))

2.76.020 Powers.

The commission shall have the power and duty to study the existence, character, cause and extent of the denial of equal opportunities because of race, color, religion, ancestry, national origin, sex, handicap, marital status of the person maintaining a household, lawful source of income, place of birth, or age in the city. It shall receive complaints alleging violation of city housing discrimination ordinances arising from bona fide transactions and attempt to eliminate or remedy any violation by means of conciliation, persuasion, education or any other means. In cases where the commission obtains compliance with these sections or the commission finds the complaint is without foundation, no public disclosure shall be made by the commission of the person or persons named in the complaint. The commission may adopt such rules and regulations as may be necessary to carry out the provisions of city housing discrimination ordinances. (Prior code § 2-4-8(b))

2.76.030 Enforcement.

Whenever the commission is unable to eliminate or correct an alleged discriminatory housing practice by informal means, it may request the city attorney to commence and prosecute a civil action to enforce the provisions of city housing discrimination ordinances. The city attorney may bring civil action in circuit court by filing with the court a complaint setting forth the facts and requesting such preventive relief, including an application for temporary or permanent injunction, restraining order or such other order as he or she deems necessary to ensure the full enjoyment of the rights granted by city housing discrimination ordinances. (Prior code § 2-4-8(c))

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- 2.80.010 Composition
- 2.80.020 Powers
- 2.80.030 Organization and selection of officers

#### 2.80.010 Composition.

Jurisdiction to manage and administer city parks shall be vested in the park committee, which shall consist of seven members to include the following:

- A. Five members shall be appointed by the mayor, subject to confirmation by majority vote of the council at its organizational meeting, and they shall hold office for three-year staggered terms. The present five citizen members of the park board shall remain over as the five citizen members of the park committee.
- B. One alderperson shall be elected for a one-year term, by two-thirds vote of the council upon creation of the committee and during each April thereafter. The one alderperson currently serving as the council representative on the park board shall remain on as a council member of the park committee.
- C. Vacancies shall be filled by appointment for unexpired terms only.
- D. Each member shall be a resident of the city and shall take and file the official oath. (Amended during the 7/98 supplement; amended during 1998 codification; prior code § 2-4-7(a))

#### 2.80.020 Powers.

The park committee shall have the power and authority to employ experts and staff and to pay for their services and such other expenses that may be necessary and proper, not exceeding in all the proportion that may be needed for such committee by the common council or placed at its disposal through gift, and subject to any other ordinance or resolution enacted by the council. (Prior code § 2-4-7(b))

#### 2.80.030 Organization and election of officers.

The park committee, immediately following their appointment, shall meet subject to call by their acting chairperson who is appointed by the mayor, organize, elect such officers as may be necessary and adopt rules and regulations of organization and procedure as needed, consistent with city ordinances and state laws. (Prior code § 2-4-7(c))

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## Chapter 2.84 COMMUNITY DEVELOPMENT AUTHORITY

2.84.010	Commission created
2.84.020	Membership and qualifications
2.84.030	Appointments, terms and pay of commissioners
2.84.040	Executive director
2.84.050	Jurisdiction, powers and duties
2.84.060	Governmental procedures and operation
2.84.070	Budget
2.84.080	Limitations of powers

### 2.84.010 Commission created.

Pursuant to the authority granted in Section 66.4325, Wis. Stats., there is created a community development authority in the city to be governed by the city community development authority commission which will be referred to in this section as the authority commission. (Prior code § 2-4-9(a))

### 2.84.020 Membership and qualifications.

A. Membership. The authority commission shall consist of seven members who shall all be residents of the city. Two of the commissioners shall be members of the common council. All powers of the Omro community development authority are vested in the commission.

B. Qualifications of Commissioners. In making appointments to the commission, the common council shall give consideration to the general interest of the appointee in redevelopment, economic development and housing programs. The common council shall, whenever possible, select representatives from the general public, labor, industry, finance, business group and civic organizations. Appointees shall have sufficient ability and experience in related fields, especially finance and management to maintain efficiency in the redevelopment program and its planning and direction. (Prior code § 2-4-9(b))

### 2.84.030 Appointments, terms and pay of commissioners.

A. Vote Required. The appointment of all commissioners shall be by appointment by the mayor, with confirmation of the common council, as provided for all other city official appointments.

B. Terms of Office. The term of office for commissioners shall be four years with the exception that the council appointees shall serve a term concurrent with their term of the city office. The non-city commissioners initial terms shall be staggered and designated by their appointment with two appointments for one year, one for two years, one for three years, one for four years.

All terms of office shall run from the effective date of this section (January 27, 1994) and the anniversary date thereafter. Each commissioner shall hold his or her office until a successor has been appointed and qualified. Vacancies and new appointments shall be filled in the same manner as provided in subsection A of this section. Removal of commissioners shall be governed by Section 66.40(8), Wis. Stats. (Prior code § 2-4-9(c))

#### 2.84.040 Executive director.

The executive director of the authority commission shall be the city administrator, who shall serve the commission as its secretary and advisor and shall perform all duties requested by the commission. The assistant director, who may act in the absence of the executive director, shall be appointed by the executive director subject to majority confirmation of the commission.

(Prior code § 2-4-9(d))

#### 2.84.050 Jurisdiction, powers and duties.

A. Jurisdiction. Upon the effective date of this section, except as provided in subsection B of this section, the city shall thereafter be precluded from exercising the powers provided in Section 66.43(4), Wis. Stats., and the authority commission shall have exclusive power to proceed to carry on the economic development, blight elimination and housing projects in the city.

B. Preservation of Rights. The city shall not be precluded from applying for, accepting and contracting for federal grants, advances or loans where the conditions of such grants, advances or loans require the participation of the city.

C. Legal Status of the Authority Commission. Upon the original effective date of this section, the city community development authority is deemed an independent, separate and distinct public body and a body corporate and politic and shall have no seal.

D. Powers and Duties. The authority commission is empowered with all of the powers and duties granted to it by Sections 66.395, 66.40, 66.401, 66.402, 66.4025, 66.403, 66.404, 66.405 to 66.425, 66.43, 66.431, 66.435, 66.395 and 66.46, Wis. Stats., and by any other statute code ordinance, rule or regulation applicable to enable it to carry out its powers and duties under Section 66.4325, Wis. Stats. The commission, in addition to all its powers granted herein, shall have specific authority to take title to real and personal property in its own name, excluding the right of eminent domain under Chapter 32, Wis. Stats., or any other law relating to eminent domain for a redevelopment authority. The chairperson, or the assistant chairperson in the absence of the chairperson, and the executive director, or the assistant director in the absence of the executive director, shall have the authority to execute all documents on behalf of the authority commission. (Prior code § 2-4-9(e))

## 2.84.060 Governmental procedures and operation.

A. Operational Meeting. The authority commission shall, immediately after its membership has been appointed, hold an organizational meeting and perform the following duties:

1. Elect a chairperson, vice chairperson and treasurer;
2. Commence preparation for the adoption of a set of bylaws which shall, after approval of the common council, be adopted and thereafter shall govern the procedure and organization of the authority commission. The bylaws shall not be amended unless approved by the common council;
3. Contractually retain the services of the city engineer, or his designate, city attorney, or his or her designate, city financial consultant, and city planning consultant or his or her designate, to represent, assist and advise the authority commission.

B. Comprehensive Plan of Redevelopment. Except for such redevelopment projects as may be given to the authority commission by the common council, the authority commission shall not commence or undertake any redevelopment projects until it has created an acceptable comprehensive plan of redevelopment as provided for in Section 66.431(6), Wis. Stats.

C. Personnel. The authority commission may employ such personnel as is required to carry on its duties and responsibilities subject only to budget constraints in Section 2.84.070. (Prior code § 2-4-9(f))

## 2.84.070 Budget.

On or before September 1st of each year, the authority commission shall prepare and submit to the common council for approval, a budget prepared in conformity with Section 65.90, Wis. Stats. The common council shall have the power to alter or modify the budget relating to salaries, office operations or facilities. The common council may levy such taxes and assessments as may be necessary to provide funds for the budget. (Prior code § 2-4-9(g))

## 2.84.080 Limitations of powers.

Except as expressly reserved or defined in this chapter, the authority commission is granted all other powers permitted by law. (Prior code § 2-4-9(h))

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### Chapter 2.88 PUBLIC RECORDS

2.88.010	Definitions
2.88.020	Duty to maintain records
2.88.030	Legal custodian(s)
2.88.040	Public access to records
2.88.050	Access procedures
2.88.060	Limitations on right to access
2.88.070	Destruction of records
2.88.080	Preservation through microfilm

#### 2.88.010 Definitions.

As used in this chapter:

"Actual cost" means the total cost of personnel including wages, fringe benefits and all other benefits and overhead related to the time spent in search of records.

"Authority" means any of the following city entities having custody of a city record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

"Custodian" means that officer, department head, division head or employee of the city designated under Section 2.88.030 or otherwise responsible by law to keep and preserve any city records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

"Direct cost" means the actual cost of personnel plus all expenses for paper, copier time, depreciation and supplies.

"Record" means 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, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originators 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 or her 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. (Prior code § 3-3-1)

#### 2.88.020 Duty to maintain records.

A. Except as provided under Section 2.88.070, each officer and employee of the city shall safely

keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.

B. Upon the expiration of an officers term of office or an employees term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the officer or employee, who shall file the receipt with the city administrator. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the administrator, on behalf of the successor, to be delivered to such successor upon the latter's receipt. (Prior code § 3-3-2)

#### 2.88.030 Legal custodian(s).

A. Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate the city administrator to act as the legal custodian.

B. Unless provided in subsection C of this section, the city administrator or the administrators designee shall act as legal custodian for the common council and for any committees, commissions, boards or other authorities created by ordinance or resolution of the common council. The following offices or authorities shall have as a legal custodian of records the individual so named.

#### Authority

Designated Legal Custodian

#### City assessors office

City assessor

#### General city records (including council records)

City administrator

#### Fire department

Fire

#### Police department

Chief of police

Financial records  
City administrator

City attorneys office  
City attorney

C. For every authority not specified in subsections A and B of this section, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.

D. Each legal custodian shall name a person to act as legal custodian in his or her absence or in the absence of his or her designee, and each legal custodian shall send notice of the designated deputy to the city administrator.

E. The city administrator shall establish criteria for establishing the records system and shall cause the department/office records system to be reviewed on an annual basis. (Prior code § 3-3-3)

2.88.040 Public access to records.

A. Except as provided in Section 2.88.060 any person has a right to inspect a record and to make or receive a copy of any record of provided in Section 19.35(1), Wis. Stats.

B. Records will be available for inspection and copying during all regular office hours.

C. If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least forty-eight (48) hours advance notice of intent to inspect or copy.

D. A requester shall be permitted to use facilities comparable to those available to city employees to inspect, copy or abstract a record.

E. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

F. A requester shall be charged a fee of twenty cents (\$0.20) per page to defray the cost of copying records.

1. If the form of a written record does not permit copying, the actual and necessary cost of



photographing and photographic processing shall be charged.

2. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- and videotapes, shall be charged.

3. If mailing or shipping is necessary, the actual cost thereof shall also be charged.

4. There shall be no charge for locating a record unless the actual cost therefor exceeds fifty dollars (\$50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requester.

5. The legal custodian shall estimate the cost of all applicable fees and shall require a cash deposit adequate to assure payment, if such estimate exceeds five dollars (\$5.00).

6. Elected and appointed officials of the city shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

7. The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

G. Pursuant to Section 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the common council. (Prior code § 3-3-4)

#### 2.88.050 Access procedures.

A. A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a reasonable limitation as to 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 Section 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Section 2.88.040(F)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

B. Each custodian, 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 therefor. If the legal custodian, after conferring with the city attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a

manner which would permit reasonable compliance.

C. A request for a record may be denied as provided in Section 2.88.060. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that, if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Section 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney. (Prior code § 3-3-5)

#### 2.88.060 Limitations on right to access.

A. As provided in Section 19.36, Wis. Stats., the following records are exempt from inspection under this chapter:

1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
2. 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;
3. Computer programs and files, although the material used as input for a computer program/file or the material produced as a product of the computer program is subject to inspection; and
4. Pursuant to Section 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. "Trade secrets" are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential.

B. As provided by Section 43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.

C. In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the city attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them;

2. Pursuant to Section 19.85(1)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing;

3. Pursuant to Section 19.85(1)(b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any city officer or employee, or the investigation of charges against a city officer or employee, unless such officer or employee consents to such disclosure;

4. Pursuant to Section 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention;

5. Pursuant to Section 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of city property, investing of city funds, or other city business whenever competitive or bargaining reasons require nondisclosure;

6. Pursuant to Section 19.85(1)(f), Wis. Stats., financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data;

7. Pursuant to Section 19.85(1)(g), Wis. Stats., communications between legal counsel for the city and any officer, agent or employee of the city, when advice is being rendered concerning strategy with respect to current litigation in which the city or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Section 905.03, Wis. Stats.;

8. Pursuant to Section 19.85(1)(h), Wis. Stats., requests for confidential written advice from an ethics board, and records of advice given by such ethics board on such requests.

D. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the city attorney prior to releasing any such record and shall follow the guidance of the city attorney when separating out the exempt material. If, in the judgment of the custodian and the city attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure. (Prior code § 3-3-6)

## 2.88.070 Destruction of records.

A. City officers may destroy the following nonutility financial 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 Chapter 442 of the Wisconsin Statutes, 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 Section 16.61(3)(e), Wis. Stats., and then after such shorter period:

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. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund;
6. Receipt forms;
7. Special assessment records;
8. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

B. City officers may destroy the following utility 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 Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to Section 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers ledgers may be destroyed not less than two years after payment or receipt of the sum involved or the effective date of the record:

1. Contracts and papers relating thereto;
2. Excavation permits;
3. Inspection records.

C. City officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to Section 16.61(3)(e), Wis. Stats., and then after such a shorter period:

1. Contracts and papers relating thereto;
2. Correspondence and communication;
3. Financial reports other than annual financial reports;
4. Justice dockets;
5. Oaths of office;
6. Reports of boards, commissions, committees and officials duplicated in the common council proceedings;
7. Election notices and proofs of publication;
8. Canceled voter registration cards;
9. Official bonds;
10. Police records other than investigative records;
11. Resolutions and petitions, providing the text of the same appears in the official city minutes.

D. Notwithstanding the above provisions appearing in this section, it is intended hereby that

election materials may be destroyed according to lesser time schedules as made and provided in Section 7.23, Wis. Stats.

E. Unless notice is waived by the State Historical Society, at least sixty (60) days notice shall be given the State Historical Society prior to the destruction of any record as provided by Section 19.21 (4)(a), Wis. Stats.

F. Any tape recordings of a governmental meeting of the city may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting. (Prior code § 3-3-7)

#### 2.88.080 Preservation through microfilm.

Any city officer or the director of any department or division of city government may, subject to the approval of the city administrator, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Section 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Sections 2.88.040 through 2.88.060 of this chapter. (Prior code § 3-3-8)