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ACCESS TO PUBLIC RECORDS ORDINANCE

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Chapter 903 .01 TITLE

This Ordinance shall be known as, referred to, or cited as, The Wood County Access to Public Records Ordinance.

Chapter 903 .02 DECLARATION OF POLICY

Wood County is subject to the requirements of the Wisconsin Public Records and Property Law (s. 19.21 through 19.39, Wis. Stats.).

In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the public policy of the County that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. Further, providing persons with such information is declared to be an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information. To that end section 19.32 through 19.37 shall be construed in every instance with the presumption of complete public access consistent with the conduct of government business. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.

Chapter 903 .03 DEFINITIONS

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

2."Record" means any material on which written, drawn, printed, spoken, visual or electro-magnetic 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 possession of an

authority other than a public library which are available for sale, or which are available for inspection at a public library.

3."Requestor" means any person who requests inspection or copies of a record.

4."Department head" refers to any person recognized by statutes, title, and/or by job description as the supervisor of a particular unit or subunit of Wood County government.

Chapter 903 .04 DESIGNATION OF PUBLIC RECORDS

All records of the County Board, its committees, commissions, boards, authorities, departments, agencies, officials and employees are public records and documents subject to release, inspection, and reproduction as required by law, except as otherwise provided herein or as otherwise provided by law.

Chapter 903 .05 LEGAL CUSTODIANS

- (a) An elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee on his or her staff to act as legal custodian.
- (b) The chairperson of a committee of elected officials, or the designee of the chairperson, is the legal custodian of the records of the committee.
- (c) The co-chairpersons of a joint committee of elected officials, or the designee of the co-chairpersons, are the legal custodians of the records of the joint committee.
- (d) Wood County's department heads shall act as legal custodians of their own records and the records generated by their offices.
- (e) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee. This subsection does not apply to members of the County Board.
- (f) The designation of a legal custodian does not affect the powers and duties of an authority under this subchapter.

Chapter 903 .06 POWER OF THE OFFICIAL LEGAL CUSTODIANS OF THE

RECORDS OF THE COUNTY

All requests for the release, inspection, and/or reproduction of the public records of the county shall be directed or referred to the official legal custodians of the county's records.

The official legal custodians are hereby vested with full legal power to make all necessary decisions relative to the release, inspection, and reproduction of public records and are granted all authority necessary to carry out all duties and responsibilities required by both the Wisconsin Public Records and Property Law and this ordinance.

Chapter 903 .07 PROCEDURAL INFORMATION

Pursuant to s. 19.34, Wis. Stats., and the guidelines therein listed, the County Clerk 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 the County's organization and the established times, places and the methods whereby the public may obtain information and access to records, make requests for records, or obtain copies of records, and the cost thereof.

Chapter 903 .08 RECORD PRESERVATION

The records of the County shall be retained and preserved by the official legal custodians as required by all applicable laws (see the Record Retention Ordinance).

No record of the County 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.

Chapter 903 .09 INDEMNIFICATION OF THE LEGAL CUSTODIANS OF THE COUNTY'S RECORDS

Any court awarded attorney's fees, damages, and other actual costs granted to a record requestor who prevails in whole or in substantial part in any action filed against a record custodian under s. 19.37, Wis. Stats., shall be directly reimbursed by the County to the custodian and shall not be treated as the personal liability of the custodian, except as otherwise provided.

Chapter 903 .10 CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of conflict.