

## Chapter 112

### PUBLIC RECORDS: ACCESS AND RETENTION

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[HISTORY: Adopted by the Town Board of the Town of Troy on March 11, 2010. (Amendments noted where applicable.)]

#### ARTICLE I

##### Access to Public Records

This Article describes how the Town's records can be inspected and reproduced in response to enforceable Record requests, establishes the requirement that the Town's costs of doing so shall be reimbursed where appropriate and describes how a Record request is analyzed and when the Town may decline a request for a Record. The topic of public records access is extensively regulated by Wisconsin statutory and common law by federal law. To the extent that this Article differs from applicable law at the time a Record request is made, statutory and common state law and applicable federal law shall control the Town's response to any such request.

§ 112-1. Definitions.

For purposes of Article I of this Chapter and with reference to Town Records, the following terms have the following meanings:

Authority: Elected and appointed Town officials and employees having custody of Records.

Custodian: Clerk/Treasurer of the Town of Troy. The Clerk/Treasurer is the designated legal custodian for all elected and appointed Town officials and employees.

Record: Any material in any format that has been created by or is being kept by an Authority of the Town. Notes, drafts, preliminary computations and the like that have been prepared for an Authority's personal use or in the name of a person for whom the Authority is working are not Records. Neither are materials that are the Authority's personal property with no relation to their service to the Town, nor are materials protected by copyright, patent or bequest, or published materials are available for sale or available for inspection at a public library.

§ 112-2. Access to public records.

A.

Except when otherwise provided by law, any person has the right to inspect a Record and to make or receive a copy of any Record under conditions set forth in Wis. Stats. § 19.35 and related state law.

B.

Records shall be available at the Troy Town Hall for inspection and copying during regular office hours.

C.

A person requesting to inspect or copy a Record shall have access to facilities comparable to those available to Town employees to inspect, copy or abstract a Record. Town staff shall have discretion to timely make copies or allow the person making the request to copy the Record, on-site.

D.

The Custodian may require supervision during Record inspection and may impose other reasonable restrictions on access to an original Record when the Record is irreplaceable or easily damaged.

E.

Copies of Records shall be located, made or provided for a fee, not to exceed the actual, necessary and direct reproduction and transcription. Fees shall also be collected for the cost of locating a record when estimated to be more than \$50.00, and for the actual, necessary and direct cost of mailing, and of photography when a record cannot be copied by conventional means. The Custodian is authorized to waive or reduce fees upon a determination that doing so is in the public interest. The Custodian is authorized to require prepayment of fees where the total will exceed \$5.00.

§ 112-3. Request for public records.

A. A request to inspect or copy a Town Record shall be directed to the Custodian or to the Deputy Clerk/Treasurer, the Custodian's designee. A request is sufficient when it describes the Record being requested with a reasonable level of specificity.

B. A Record request may be made orally. Except as provided in this Chapter or otherwise by law, no Record request shall be refused solely because the person making it refuses to identify himself or herself or state the purpose of the request. No Record request shall be refused solely because it is received by mail.

C. Anyone making a Record request will be required to present acceptable identification if the Record being requested will be accessed at a private residence, or when security reasons or federal law or regulations so require.

§ 112-4. Responding to Records Request.

A. When a Record is requested the Custodian shall, as soon as practical and without delay, either fill the request or notify the requestor of the Custodian's denial of the request, either in whole or in part, and the reason(s) for the denial.

B. If the Custodian determines that a Records request is so general as to be unduly time consuming to process or fulfill, then after conferring with the Town Attorney and before denying the request, the Custodian may ask the person making the request to itemize or otherwise rephrase the request with more specificity, and in a manner that will permit the Custodian to timely comply with the request.

C. When a request is made orally, the request may be denied orally unless, within five (5) business days of the oral denial, the person making the request demands a written statement setting forth the Custodian's reasons for denying it. When a request is made in writing and is then denied in whole or in part, the Custodian shall provide a written statement of the reasons for denying the request as part of the denial. In addition, every written denial of a Record request shall notify the person making that request that if the Record request was initially made in writing, then the Custodian's determination to deny that request is subject to review by application to the St. Croix County District Attorney, to the Wisconsin Attorney General or upon private petition for a writ of mandamus to the St. Croix County Court.

D. The Custodian shall analyze a Record request and decide whether and how to fulfill it by answering the following four questions:

- (1) Does the Record exist?

- a. If yes, then proceed to next question;
  - b. If no, then no Record access can be provided.
- (2) Is access to the Record required by statute or court decision?
- a. If yes, then provide Record requested;
  - b. If no, then proceed to next question.
- (3) Is access to the Record prohibited by statute or court decision?
- (a) If yes, then no Record access will be provided;
  - (b) If no, then proceed to next question.
- (4) Does the common law balancing test, requiring the Custodian to balance the substantial public interest favoring Record disclosure against identified public interests favoring nondisclosure, compel access to the Record?
- a. If yes, then the Record requested will be provided;
  - b. If no, then no Record access will be provided.
- E. Written notice to any Record subject to whom a requested Record pertains of the Custodian's decision to release that Record shall be timely provided to the Record subject when required by state law, and the Record shall not be released during the time the Record subject is given to contest the Custodian's decision.
- F. The Custodian shall consult with the Town Attorney as appropriate in analyzing Records requests and determining the appropriate and lawful response.

## ARTICLE II Records Management

§ 112-5. Purpose; records not covered.

A.

The purpose of this article is to establish a Town of Troy records retention schedule and authorize destruction of Town of Troy records pursuant to the schedule on an annual basis. Records custodians

may destroy a record prior to the time set forth in the schedule only if such a record has been photographically reproduced as an original record pursuant to W.S.A. s. 16.61(7).

B.

Any record not covered by this article or any regulation or law shall be retained seven years unless the record is added by amendment into this article and the shorter time period is approved by the State Public Records Board.

#### § 112-6. General provisions.

A.

Historical records. Under W.S.A. s. 19.21(4)(a), municipalities must notify the State Historical Society of Wisconsin (SHSW) prior to destroying records. However, the SHSW has waived the required sixty-day notice for any record marked "W" (waived notice). The SHSW must be notified prior to destruction of a record marked "N" (non-waived). Notice is also required for any record not listed in this article. "N/A" indicates not applicable and applies to any record designated for permanent retention. Other abbreviations include "FIS" (fiscal year), "EVT" (end of event) and "CR" (date of creation).

B.

Microfilming or optical imaging of records. Local units of government may keep and preserve public records through the use of microfilm or optical imaging, provided that the microfilm or optical imaging meets the applicable standards in W.S.A. s. 16.61(7) or 16.612. Retention periods and estimated costs and benefits of converting records between different media should be considered. After verification, paper records converted to microfilm or optical imaging should be destroyed. The retention periods identified in this article apply to records in any media. [Note: When optical disk is expressly authorized in the statutes for local government use, this section should be revised to include its use.]

C.

Destruction after request for inspection. No requested records may be destroyed until after the request is granted, or 60 days after the request is denied, and only if the retention period governing the particular record has expired. If an action is commenced under W.S.A. s. 19.37, the requested record may not be destroyed until after a court order is issued and all appeals have been completed. See W.S.A. s. 19.35(5).

D.

Destruction pending litigation. No record subject to pending litigation shall be destroyed until the litigation is resolved.

E.

Review and approval by Public Records Board. This article and the retention periods of less than seven years have been reviewed and approved by the Public Records Board.

#### § 112-7. Accounting records.

The following public records may be destroyed after the expiration of the designated retention period:

Records  
Period of Retention  
SHSW Notice

Accounts payable

Purchase invoices  
FIS + 7 years  
W

Vouchers  
FIS + 7 years  
W

Accounts receivable

A/R invoices  
FIS + 7 years  
W

Receipts  
FIS + 7 years  
W

Collection blotters  
EVT + 1 year (after audit)  
W

§ 112-8. Board of Review records.

The following public records may be destroyed after the expiration of the designated retention period:

Records  
Period of Retention  
SHSW Notice

Form of objection to property assessment and supporting documentation  
EVT + 7 years (after final action by Board of Review or completion of appeal)  
W

Minute book of Board of Review  
CR + 7 years  
N

Proceedings of the Board of Review on audio tapes or as stenographic notes, including any transcriptions thereof

EVT + 7 years (after final action by Board of Review or completion of appeal)

W

Notice of determinations of the Board of Review

EVT + 7 years (after final action by the Board of Review or completion of appeal)

W

#### § 112-9. Budget and audit records.

The following public records may be destroyed after the expiration of the designated retention period:

Records

Period of Retention

SHSW Notice

Budget worksheets

FIS + 3 years

W

Final budget

Permanent

N/A

Audit reports

Permanent

N/A

#### § 112-10. Building permits and inspection records.

The following public records may be destroyed after the expiration of the designated retention period:

Records

Period of Retention

SHSW Notice

Applications and permits

EVT (life of structure)

W

Code compliance inspection reports

EVT (life of structure)

W

Inspection address file

EVT (life of structure)

W

Energy calculation worksheets

CR + 3 years

W

State-approved commercial building plans

EVT + 4 years

W

Permit fee receipts

FIS + 7 years (provided record has been audited)

W

Permit ledger

CR + 7 years

W

Town Attorney's case file, copy

EVT + 1 year (after case has been closed)

W

Quarter section maps, copies

EVT +(until superseded)

W

Records of the Board of Appeals on building matters (includes minutes of meetings of Board and supporting documents submitted to Board)

Permanent

N/A

Records of the Board of Appeals on zoning matters (includes minutes of meetings of Board and supporting documents submitted to Board)

Permanent

N/A

Records of the Plan Commission (includes minutes of meetings of Commission and supporting documents submitted to Commission)

Permanent

N/A



§ 112-11. Election records.

All materials and supplies associated with an election may be destroyed according to the following schedule, unless there is a recount or litigation pending with respect to the election:

Records/Materials

Period of Retention

SHSW Notice

Contents of a blank ballot box, unused ballots and materials

EVT + 3 business days after the canvas is completed

W

Ballots (state, county and local)

EVT + 30 days after the election recount date

W

Ballots (federal offices)<sup>3</sup>

EVT + 22 months after the election

W

Applications for absentee ballots (for federal election ballots)

EVT + 90 days after the election (22 months after the election for federal office)

W

Forms associated with election, such as tally sheets, inspectors' statements and nomination papers

EVT + 90 days after the election (22 months after the election for federal office)

W

Official canvass statements

EVT + 10 years after the election

W

Registration and poll lists, nonpartisan primaries and elections

EVT + 2 years after the election for which they were created

W

Registration and poll lists, partisan primaries and general elections

EVT + 4 years after the election for which they were created

W

Canceled registration cards

EVT + 4 years after cancellation

W

Election notices

EVT + 1 year after the election (22 months for federal election)

W

Proofs of publication and correspondence relative to publication  
EVT + 1 year after the election (22 months for federal election  
W

Campaign registration statements  
EVT + 6 years after termination by the registrant  
W

Campaign finance reports  
EVT + 6 years after date of receipt  
W

§ 112-12. Engineering and public works records.

The following public records may be destroyed after the expiration of the designated retention period:

Records  
Period of Retention  
SHSW Notice

Field notes  
Permanent  
N/A

Benchmark books  
Permanent  
N/A

Section corner monument logs  
Permanent  
N/A

Aerial photographs  
EVT (until superseded)  
W

Town maps  
Permanent  
N/A

Water, storm and sanitary sewer main maps  
Permanent  
N/A

Profile and grade books

Permanent

N/A

Excavation plans of private utilities

Permanent

N/A

Index to maps

Permanent

N/A

Preliminary subdivisions plats

EVT (until superseded by final plat)

W

Final subdivision plats

Permanent

N/A

Annexation plats

Permanent

N/A

Assessor's plats

Permanent

N/A

Structure plans for municipal buildings and bridges

EVT (life of the structure)

N

Annual reports

Permanent

N/A

Records of the Board of Public Works (includes minutes of the meetings of the Board and supporting documents submitted to the Board)

Permanent

N/A

Records of the Plan Commission (includes minutes of the meetings of the Commission and supporting documents submitted to the Commission)

Permanent

N/A

Records of the Board of Appeals (includes minutes of the meetings of the Board and supporting documents submitted to the Board)

Permanent  
N/A

House number and address change file  
Permanent  
N/A

Street vacations and dedications, copies  
EVT (retain for active reference life)  
W

Permits (includes permits for the excavation of streets by private utility companies)  
EVT + 3 years  
W

Petitions for street and sewer systems  
EVT + 2 years  
W

Special assessment calculations  
EVT + 2 years  
W

Televised sewer inspection records  
EVT (until superseded)  
W

State highway aids prog. records  
FIS + 7 years  
W

§ 112-13. Insurance records and policies.

The following public records may be destroyed after the expiration of the designated retention period:

Records  
Period of Retention  
SHSW Notice

Policy  
FIS + 7 years  
W

Policy bids, unsuccessful  
EVT + 1 year  
W

Claims  
EVT + 7 years  
W

§ 112-14. Journals, registers and ledgers.

The following public records may be destroyed after the expiration of the designated retention period:

Records  
Period of Retention  
SHSW Notice

Receipts journal  
FIS + 15 years  
W

Voucher/order register  
FIS + 15 years  
W

General journal  
FIS + 15 years  
W

Journal voucher  
FIS + 15 years  
W

General ledger  
FIS + 15 years  
W

Trial balance  
EVT (until audited)  
W

§ 112-15. Legal opinions.

Legal opinions rendered shall not be destroyed and shall be retained permanently.

§ 112-16. Licenses and permits.

The following public records may be destroyed after the expiration of the designated retention period:

Records

Period of Retention

SHSW Notice

Liquor, beer and tobacco related license applications

EVT + 4 years

W

All liquor and beer related license stubs

CR + 4 years

W

Other

CR + 3 years

W

Dog licenses report to County Clerk

Burning Permits

Fireworks Permits

CR + 3 years

CR + 5 years

CR + 4 years

W

W

W

§ 112-17. Borrowing records.

The following public records may be destroyed after the expiration of the designated retention period:

Records

Period of Retention

SHSW Notice

Bond procedure record

EVT + 7 years (after bond issue expires)

W

Bond register

EVT + 7 years (after bond issue expires)

W

Bond payment register

EVT + 7 years (after bond issue expires or following payment of all outstanding matured bonds/notes/coupons, whichever is later)

W

Canceled bonds, coupons and promissory notes

EVT (until audited)

W

Certificates of destruction

EVT + 7 years (after bond issue expires or following payment of all outstanding matured bonds/notes/coupons, whichever is later)

W

§ 112-18. Park records.

The following public records may be destroyed after the expiration of the designated retention period:

Records

Period of Retention

SHSW Notice

Master Park Plan

Permanent

N/A

Plats

Permanent

N/A

Aerial photographs

Permanent

N/A

Reservation requests

CR + 30 days; if payment receipts are attached, CR + 7 years, provided that record has been audited

W

Records of the Park Board (includes minutes of the meetings of the Board and supporting documents submitted to the Board)

Permanent

N/A

§ 112-19. Payroll records.

The following public records may be destroyed after the expiration of the designated retention period:

Records

Period of Retention

SHSW Notice

Payroll support records

FIS + 2 years

W

Employee's withholding allowance certificate

EVT + 5 years (after being superseded)

W

Employee's Wisconsin withholding exemption certificate

EVT + 5 years (after being superseded)

W

Employee earning records

FIS + 5 years

W

Payroll check register

FIS + 5 years

W

Payroll distribution record

FIS + 5 years

W

Wage and tax statement

FIS + 5 years

W

Employer's annual reconciliation of Wisconsin income tax withheld from wages

FIS + 5 years

W

Federal deposit tax stubs

FIS + 5 years

W

Quarterly report of federal income tax withheld

FIS + 5 years

W

Annual report of federal income tax withheld

FIS + 5 years

W

§ 112-20. Public Safety Department records.

The following public records may be destroyed after the expiration of the designated retention period:



Records

Period of Retention

SHSW Notice

Ordinance citations

EVT + 2 years (after closed)

W

§ 112-21. Public works projects and contracts.

The following public records may be destroyed after the expiration of the designated retention period:

Records

Period of Retention

SHSW Notice

Notice to contractors

EVT + 7 years (after completion of project)

W

EVT + 2 years (for unsuccessful bidders)

W

Certified check

EVT (retain until contract has been signed and return to bidder)

W

Bid bond

EVT + 7 years (after completion of project)

W

EVT + 2 years (for unsuccessful bidders)

W

Bidder's proof of responsibility

EVT + 7 years (after completion of project)

W

EVT + 2 years (for unsuccessful bidders)

W

Bids

EVT + 7 years (after completion of project)

W

EVT + 2 years (for unsuccessful bidders)

W

Affidavit of organization and authority

EVT + 7 years (after completion of project) EVT + 2 years (for unsuccessful bidders)

W

Bid tabulations

EVT + 2 years

W

Performance bond

EVT + 7 years (after completion of project)

W

Contract

EVT + 7 years (after completion of project)

W

Master project files

EVT + 20 years (after life of structure)

N

Blueprints

EVT (until superseded by the as-built tracings)

W

As-built tracings

EVT (life of the project)

N

§ 112-22. Purchasing records.

The following public records may be destroyed after the expiration of the designated retention period:

Records

Period of Retention

SHSW Notice

Bids, successful

EVT + 7 years (after contract has expired)

W

Bids, unsuccessful  
EVT + 1 year (after PO issued)  
W

§ 112-23. Real property records.

The following public records may be destroyed after the expiration of the designated retention period:

Records  
Period of Retention  
SHSW Notice

Deeds  
Permanent  
N/A

Plats  
Permanent  
N/A

Easements, including conservation  
Permanent  
N/A

Leases  
EVT + 7 years (after termination of lease)  
W

Vacation or alteration of plat

Developers Agreement  
Transfer of Development Rights  
Permanent  
Permanent  
Permanent  
N/A  
N/A  
N/A

§ 112-24. Street and highway records.

The following public records may be destroyed after the expiration of the designated retention period:

Records  
Period of Retention

SHSW Notice

Street maintenance and repair

CR + 25 years

W

Heavy equipment and vehicle

EVT (life of equipment and/or vehicle inventory ledger or until inventory ledger is superseded)

W

Vehicle maintenance histories

EVT (life of vehicle)

W

§ 112-25. Tax calculation records.

The following public records may be destroyed after the expiration of the designated retention period:

Records

Period of Retention

SHSW Notice

Tax levy certification of School District Clerk

FIS + 3 years

W

Certificates of apportionment

FIS + 3 years

W

State shared aid payment notices

FIS + 6 years (provided record has been audited)

W

Final worksheet for determining allowable levy

FIS + 5 years

W

Statement of taxes

Permanent

N/A

Statement of new special assessments

FIS + 5 years

W

General property tax credit certification

FIS + 5 years  
W

Explanation of property tax credit certification  
FIS + 5 years  
W

Real property tax roll  
EVT (record is transferred to the County Treasurer)permanent  
N

Personal property tax roll  
FIS + 15 years  
N

#### § 112-26. Tax collection records.

The following public records may be destroyed after the expiration of the designated retention period:

Records  
Period of Retention  
SHSW Notice

Statement of taxes remaining unpaid  
EVT (retain with tax roll)  
W

Tax settlement receipt  
FIS + 5 years  
W

#### § 112-27. Clerk/Treasurer records.

The following public records may be destroyed after the expiration of the designated retention period:

Records  
Period Of Retention  
SHSW Notice

Cashbook  
FIS + 15 years  
W

Bank reconciliations

FIS + 7 years

W

Bank statements

FIS + 7 years

W

Lists of outstanding checks

FIS + 7 years

W

Check register

FIS + 7 years

W

Duplicate deposit tickets

EVT + 1 year (after audit)

W

Bank credit/debit notices

EVT + 1 year (after audit)

W

Investment records

FIS + 7 years

W

All receipts

FIS + 7 years

W

§ 112-28. Other records.

The following public records may be destroyed after the expiration of the designated retention period:

Records

Period of Retention

SHSW Notice

Minute books

Permanent

N/A

Audio tapes

CR + 1 year; 90 days if made solely for the purpose of drafting the minutes

W

Ordinances  
Permanent  
N/A

Resolutions  
Permanent  
N/A

Ordinance book  
Permanent  
N/A

Affidavits of publication

School District Petitions

Town Board (includes minutes of the meetings of the Board and supporting documents submitted to the Board)  
CR + 3 years

5 years

Permanent  
W

W

N/A

§ 112-29. Severability.

A judicial determination that any portion of this chapter is invalid shall not invalidate the entire chapter but only the portion identified by the court. Any such determination of invalidity shall not operate retroactively.