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ASHLAND COUNTY

ACCESS TO PUBLIC RECORDS

ORDINANCE

The county board of supervisors of the county of Ashland does ordain as follows:

Section 1.11 of the Ashland County Code of Ordinances is created to read as follows:

1.11 Access to Public Records

(1) Definitions.

(a) "Authority" means any of the following having custody of a 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.

(b) "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. "Records" does not include drafts, notes, preliminary computations and like materials prepared for the originator's 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.

(2) 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 of his or her staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the county clerk or the clerk's designee shall act as legal custodian for the county board and for any committees, commissions, boards, or authorities created by ordinance or resolution of the board.

(c) For every authority not specified in subs. (a) or (b), 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 the absence of his or her designate. This subsection does not apply to members of the county board.

(e) The designation of a legal custodian does not affect the powers and duties of an authority under this sub-chapter.

(3) Procedural Information.

Pursuant to sec. 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 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. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of sec. 19.31 to 19.39, Wis. Stats. This section does not apply to mem-

bers of the county board.

(4) Access to records; fees.

(a) The rights of any person who requests inspection or copies of a record are governed by the provisions and guidelines of sec. 19.35(1), Wis. Stats.

(b) Each authority shall provide any person who is authorized to inspect or copy a record which appears in written form pursuant to sec. 19.35(1)(b) Wis. Stats. or any person who is authorized to and requests permission to photograph a record the form of which does not permit copying pursuant to sec. 19.35(1)(f), Wis. Stats., with facilities comparable to those used by its employees to inspect, copy, and abstract the record during established office hours. An authority is not required by this subsection to purchase or lease photocopying, duplicating, photographic, or other equipment or to provide separate room for inspection, copying or abstracting of records.

(c) 1. Each authority shall impose a fee upon the requester of a copy of a record which may not exceed the actual necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by the law.

2. Each authority shall impose a fee upon the requester of a copy of a record for the actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form or which does not permit copying.

3. Except as otherwise provided by law or as authorized to be prescribed by law, an authority shall impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50.00 or more.

4. Each authority shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requester.

5. An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest.

6. Each authority shall require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5.00.

(d) Each authority in acting upon a request for any record shall respond within the times and according to the procedures set out in sec. 19.35(4), Wis. Stats.

(5) Separation of information.

If a record contains information that may be made public and information that may not be made public, the authority having custody 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. Each authority shall consult with the county district attorney or, if there is one, the corporation counsel before releasing any information under this section.

(6) Effective date.

This ordinance takes effect immediately.

(7) The County Clerk shall immediately publish this ordinance as a Class I Notice under 985 Wisconsin Statutes and shall procure and distribute

copies of this document to the several town clerks who shall file the same in their respective offices.

Dated at the City of Ashland, Wisconsin this 9<sup>th</sup> day of February, 1983.

*Harold Kempf*

*Caroline T. Sander*

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