



RESOLUTION NO. 7170

A RESOLUTION OF THE CITY OF NEENAH REGARDING PROCEDURES FOR  
RELEASE OF PUBLIC RECORDS AND PROPERTY

WHEREAS, the City of Neenah (“CITY”) is a Wisconsin municipal corporation, and

WHEREAS, the CITY is subject to the requirements of the Wisconsin Public Records and Property Law (sec. 19.31 – 19.39, Wis. Stats.), and

WHEREAS, the CITY believes that it is in the best interest of its citizens to provide the greatest possible access to information regarding the affairs of government and the official records of the CITY, its officers and employees, and

WHEREAS, this resolution supercedes Res. No. 6233 adopted December 1, 1982.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Common Council that the following policies relating to the release, inspection and reproduction of public record and property are hereby enacted:

1. DESIGNATION OF PUBLIC RECORDS. The CITY hereby recognizes and designates all of its records as defined by sec. 19.32(2), Wis. Stats., as public records and documents subject to release, inspection and reproduction as required by law.
2. LEGAL CUSTODIAN DESIGNATION. The CITY hereby designates each elected official as the legal custodian of his or her records and/or the records of his or her office. Each department head shall be the legal custodian of records relating to their department. The City Clerk or the City Clerk's 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. It shall be the responsibility of said individuals to execute all duties and responsibilities as set forth in the Wisconsin Public Records and Property Law.

**Authority**

Community Development/Assessor's  
 General City Records  
 (Including Council records)  
 Dept. of Legal & Administrative  
 Services - City Attorney/Clerk/HR  
 Financial Records  
 Fire Department  
 Health Department  
 Information Systems  
 Library  
 Park & Recreation  
 Police Department

**Designated Legal Custodian**

Dir. of Community Dev.  
 City Clerk  
  
 City Attorney  
  
 Dir. of Finance  
 Fire Chief  
 Dir. of Public Health  
 Dir. of Information Systems  
 Dir. of Library Services  
 Dir. of Parks & Recreation  
 Police Chief

- (a) For every authority not specified above, 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.
- (b) 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 to the City Clerk.
- (c) The City Clerk shall establish criteria for establishing the records system and shall cause the department/office records system to be reviewed on an annual basis.

3. POWERS OF THE OFFICIAL CUSTODIAN OF THE RECORDS OF THE CITY.

All requests for the release, inspection and/or reproduction of the public records of the CITY shall be directed or referred to the CITY'S official legal custodian. The official legal custodian is hereby vested with the 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 the duties and responsibilities required by either the Wisconsin Public Records and Property Law or this Resolution.

4. RELEASE, INSPECTION AND REPRODUCTION PROCEDURE. The CITY hereby adopts the Notice (attached as Exhibit A) as the official procedure of the CITY in responding to requests for the release, inspection or reproduction of the records and property of the City.

If any records of the CITY are requested which are necessary for the day-to-day operation of the CITY, then the official legal custodian may arrange for the records to be inspected after normal working hours.

If the official legal custodian determines that portions of any record requested contain information, which should not be released, the custodian will edit such records to remove the material not to be released and thereafter release the balance of the document.

Any requests for computer records of the CITY will be referred by the official legal custodian to the individual in charge of the equipment involved to determine the cost of any computer search, printing charges, and possible time available on the machine. Since computer time can be expensive, computer information will not be provided until the person requesting the information is informed of the estimated costs.

Requests may be made orally, however, for accuracy, it is desirable that all requests for any records of the CITY be submitted in writing to the official legal custodian. It is not necessary that any person requesting access to the records of the CITY identify himself or herself in order to obtain a record, nor need any person requesting access to the records of the CITY state any reason for his or her request.

Any written request for a record must reasonably describe the record or information sought. If the official legal custodian cannot reasonably determine

what records or information are being requested, the request shall be denied in writing and the reason for the denial shall be stated in the written denial.

Any person shall have not only the right to inspect the records of the CITY, but also the right to receive a reproduction of such records. In the event that a person files a written request for reproduction of any of the records of the CITY, that person shall be informed of the costs of locating and reproducing such records.

5. NOTICE: The official notice required by §§19.34 shall be in the form shown as Exhibit A attached hereto.

This Notice is intended to provide all necessary information, which might be required by a member of the public in order to obtain access to the records and property of the CITY. Any questions in regard to this Notice shall be directed to the official legal custodian of the records of the CITY.

This Notice may be modified from time to time by the CITY, but absent such modifications the decision of the official legal custodian of the records of the CITY shall be in conformity with its provisions.

Copies of the Notice hereby adopted shall be prominently displayed in appropriate locations throughout the CITY and a copy of the Notice shall be made available to any member of the public upon a request for inspection or reproduction.

6. ESTABLISHMENT OF FEES REGARDING THE COST FOR THE LOCATION AND/OR REPRODUCTION OF RECORDS AND PROPERTY. The CITY hereby adopts the following fee schedule to cover the actual and necessary costs relating to the location and reproduction of any of the public records of the CITY. It is intended that this fee schedule shall cover the payment of actual, necessary and direct costs incurred in locating a document or in providing any person with a reproduction of any of the records of the CITY.

FEE SCHEDULE (See Exhibit B)

7. RECORD PRESERVATION. The records of the CITY shall be retained and preserved by the official legal custodian as required by all applicable laws and no records shall be destroyed without prior written approval of the custodian.

No record of the CITY 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.

Passed: October 19, 2005

/s/ George Scherck  
MAYOR

Attest:

Approved: October 19, 2005

/s/Patricia A. Peterson  
CITY CLERK

OFFICIAL NOTICE

Pursuant to Wisconsin Law, this Notice has been previously adopted by the City of Neenah, a Wisconsin municipal corporation.

The Common Council of the City of Neenah has directed that this Notice be placed in prominent and conspicuous locations throughout the city so that the Notice can be viewed and inspected by any member of the public. In addition, individual copies of this Notice will be made available to any person who requests such a copy from the official legal custodian of the City of Neenah.

THE CITY OF NEENAH IS SUBJECT TO THE WISCONSIN PUBLIC RECORDS LAW. THE FOLLOWING INFORMATION IS PROVIDED TO THE PUBLIC TO ASSIST THEM IN OBTAINING ACCESS TO THE RECORDS OF THE CITY.

1. The CITY hereby designates each elected official as the legal custodian of his or her records and/or the records of his or her office. Each department head shall be the legal custodian of records relating to their department. The City Clerk or the City Clerk's 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. It shall be the responsibility of said individuals to execute all duties and responsibilities as set forth in the Wisconsin Public Records and Property Law.

<b>Authority</b>	<b>Designated Legal Custodian</b>
Community Development/Assessor's General City Records (Including Council records)	Dir. of Community Dev. City Clerk
Dept. of Legal & Administrative Services - City Attorney/Clerk/HR	City Attorney
Financial Records	Dir. of Finance
Fire Department	Fire Chief
Health Department	Dir. of Public Health
Information Systems	Dir. of Information Systems
Library	Dir. of Library Services
Park & Recreation	Dir. of Parks & Recreation
Police Department	Police Chief
Public Works	Dir. of Public Works
Water Department	Dir. of Water Works

- (a) For every authority not specified above, 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.
- (b) 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 to the City Clerk.
- (c) The City Clerk shall establish criteria for establishing the records system and shall cause the department/office records system to be reviewed on an annual basis.

1. Any public record of the CITY will be made available for inspection at the offices of the official legal custodian during normal regular business hours upon proper request. The normal regular business hours of the office of the City Clerk are from 7:30 a.m. to 4:30 p.m., Monday through Thursday and 7:30 a.m. to 4:00 p.m. on Friday.

No original public record of the CITY shall be removed from the possession of the official legal custodian. The official legal custodian shall be responsible for designating where, when and how the public records of the CITY may be inspected and copied. However, the decisions of the official custodian of the record shall be governed by this Notice.

3. The policy of the City of Neenah regarding the release, inspection and/or reproduction of public records is as follows:

After the receipt of any written request for access to the public records of the CITY, the official legal custodian will attempt to make such records available as soon thereafter as practical. In any event, every request should be responded to within five (5) working days.

If a request is denied, it will be denied in writing no later than five (5) working days after the request has been made. If a public record cannot be made available within five (5) working days, the official legal custodian will inform the requestor when the record can be made available.

## I. COSTS OF LOCATING DOCUMENTS:

Most of the City's records are readily available, or can be located in a relatively short period of time. There will be no fee imposed upon any person who requests a record if the cost of locating that record does not exceed \$50.00.

Some of the records of the CITY are in off-site storage, archived, not on-line on the CITY'S computer or otherwise not immediately available. In those cases where a record is not readily available for whatever reason and where it appears that the costs of locating a record will exceed \$50.00, the official legal custodian will seek the prior written approval of the requestor before proceeding. In addition, the custodian will endeavor, but will not be required to provide an estimate of the total anticipated costs for locating the record.

The CITY will determine the cost of locating a record by using the hourly rate of \$25.00/hour for employees involved in attempting to locate the record.

## II. REPRODUCTION EXPENSES:

### 1. Costs of copying and reproduction of records where equipment is available:

- A. 25¢/1<sup>st</sup> page (per copy) and 15¢/page (per copy) for each additional page.
- B. Clerical employee' time in photocopying public record requests is included in the per copy cost above.
- C. The person making the request shall also pay the actual cost to the CITY of the tapes or other medium used for reproduction.
- D. Requests exceeding \$5.00 must be paid in advance.
- E. The fee for Voter Registration Lists of \$25 plus \$5 per 1,000 names has been established by the Government Accountability Board and adopted by Resolution No. 7242 on May 16, 2007.

### 2. Costs of reproduction of records where equipment is not available within the CITY.

- A. If equipment necessary for any reproduction is not available within the CITY, then the CITY will rent whatever equipment is necessary to perform the function and will bill the requestor for such rental fee. The cost charged would be actual costs paid by the CITY to the third party vendor.
- B. Items in such a situation would include but would not be limited to audio or video tape reproduction equipment, microfilm or fiche or ultra fiche reproduction equipment, assorted computer hardware and software.
- C. The actual cost to the CITY of the tape or other medium used for reproduction shall also be paid by the person make the request.

### III. DISPUTES:

1. The official legal custodian of the records of the CITY shall report any dispute which arise under this fee schedule to the office of the Mayor and shall recommend to the Mayor such modifications and revisions as he deems necessary.

### IV. PAYMENT OF FEES:

1. The official legal custodian of the records of the CITY may, in his sole discretion, elect to waive the imposition of the costs provide for herein.