

SHEBOYGAN COUNTY ORDINANCE NO. 01 (2017/18)

Re: **Repealing and Re-creating Chapter 3 and Repealing Chapter 55**

WHEREAS, Sheboygan County aspires to the highest level of transparency in the operation and administration of County government, and

WHEREAS, in order to better focus on the responsibilities of County government to be open, it is prudent to update and collect in one Chapter of the County Code all of the applicable provisions which deal with open government;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Repealing and Re-creating Chapter 3.** Chapter 3 of the Sheboygan County Code of Ordinances is hereby repealed and re-created as follows:

OPERATIONAL TRANSPARENCY

- 3.01 **OPEN MEETINGS.** All meetings of the County Board and its Committees shall be in conformity with Wisconsin's Open Meetings Laws at Wis. Stat. ch. 19, Subchapter V.
- 3.02 **PUBLIC RECORDS.** All records of County government shall be available to the public pursuant to Wisconsin Public Records laws at Wis. Stat. ch. 19, Subchapter II.
- 3.03 **ANNUAL REPORTS.** Each Department Head shall prepare an annual report of the Department activities over the previous year which shall include a summary of the Department's goals and objectives, budget performance, anticipated issues for the upcoming year, and such other items as determined by the County Administrator in such format as determined by the County Administrator. The reports shall be received within a timeframe as determined by the County Administrator for the County Administrator to prepare an executive summary and for the County Administrator to use in preparing an annual message to the County Board pursuant to Wis. Stat. § 59.18(5). The annual reports and executive summary shall be held by the County Clerk for public inspection and shall be posted on the County web site.
- 3.04 **OFFICIAL COUNTY NEWSPAPER.** The County Clerk shall prepare a list of newspapers that comply with the requirements of Wis. Stat. ch. 985 so as to be eligible for use as the publisher of the County's legal notices. The list shall include current charges for publication of notices and audited paid circulation figures and shall be updated every two (2) years. The County Clerk shall present the list to the Finance Committee prior to the Finance Committee's first regular meeting after its organizational meeting. The Finance Committee shall at that meeting designate the official County newspaper, which designation shall be reviewed at the first regular meeting following each organizational meeting thereafter. Whenever possible, Sheboygan County shall use the posting method of notification deemed most appropriate by the County Clerk as allowed under Wis. Stat. § 985.02 and shall only publish proceedings as required by Wis. Stat. § 985.05(1) as otherwise required by law.

3.05 COUNTY RECORDS RETENTION.

- (1) **RECORDS TO BE RETAINED BY DEPARTMENTS.** County records shall be retained by the Department that generated the record, or that received the record, provided that no record need be retained by more than one Department. The Department that is the primary custodian of the record shall be responsible for its retention. The determination as to which Department is the primary custodian of a particular record shall be made through cooperation of the Departments and the Committees. If there is uncertainty as to which Department is primary, the Executive Committee shall determine the matter. If a statute states that a particular record shall be filed with the County Clerk but the record has been retained by another Department with consent of the County Clerk, the record shall be deemed to have been retained in accordance with the statutes.
- (2) **AUTHORITY TO ADOPT SPECIFIC RULES.** The standing Committees of the County Board (Liaison Committees) may adopt specific record retention rules for the Departments under their supervision, provided that such departmental retention rules have been reviewed and approved by the County Clerk and Corporation Counsel for compliance with statutes. After Committee approval, a copy of the departmental retention rules shall be filed with the County Clerk.
- (3) **DESTRUCTION AUTHORIZED.** Whenever necessary to gain needed vault and filing space, County Department Heads or court officers and the custodian of the records of all courts of record may destroy such records as they deem obsolete, subject to the provisions of this Chapter.
- (4) **RECORDS RETENTION/DISPOSITION SCHEDULE.** Sheboygan County shall retain and dispose of all records pursuant to the *County Records Retention/Disposition Schedule – 2010*, including the Addenda thereto, a copy of which is on file with the County Clerk. If the Schedule does not identify a particular record, the minimum retention and time limits set forth in any applicable state or federal statutes shall apply. If the Schedule does not identify a particular record and no other state or federal statute is applicable, then such record shall be kept a minimum of seven (7) years as required by Wis. Stat. § 19.21(5)(c).
- (5) **NOTICE TO HISTORICAL SOCIETY.** Prior to the destruction of any public records, a written offer shall be made to the Historical Society for preservation of such records as it determines to be of permanent historical valuation, all pursuant to the provisions of Wis. Stat. § 44.09. This does not apply to patient health care records as defined in Wis. Stat. § 146.81(4) that are in the custody or control of the Health and Human Services Department, or to records to be destroyed to which the Historical Society has waived notice, including those records identified in the *County Records Retention/Disposition Schedule – 2010* referred to in Section 3.05(4) of this Code.
- (6) **DETERMINATION BY EXECUTIVE COMMITTEE.** In the event there is uncertainty as to whether a record should be preserved or other need for interpretation of this Chapter, the matter shall be referred to the Executive Committee which, in its judgment and in consultation with the Corporation

Counsel, shall determine the appropriate procedure, all, however, to be consistent with the provisions of this Chapter.

Section 2. **Repealing Chapter 55.** Chapter 55, Retention of County Records, of the Sheboygan County Code of Ordinances is hereby repealed inasmuch as Chapter 55 has been incorporated into the re-created Chapter 3.

Section 3. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 18th day of July, 2017.

EXECUTIVE COMMITTEE

Thomas Wegner
Thomas Wegner, Chairperson

George Marthenze
George Marthenze, Vice-Chairperson

William C. Goehring
William C. Goehring, Secretary

Vernon Koch
Vernon Koch

Edward J. Procek
Edward J. Procek

Opposed to Introduction:

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Enacted 08.15.17