

**Chapter 2**

**Administration**

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## Article I. In General

### Section 2-1. Form of Government

The city operates under the mayor-council system of government pursuant to Wisconsin Statute § 62.01 et seq.

### Sections 2-2 – 2-30. Reserved.

## Article II. Common Council

### Division 1. Generally

#### Section 2-31. Meetings

- (a) *Regular Meetings.* The council shall meet annually on the third Tuesday of April for the purpose of organization and regular meetings shall be held at the council chambers on the first Tuesday of each month or as designated by the council.
- (b) *Special Meetings.* Special meetings may be called by the mayor or president of the council by written notice to each member delivered to him or her personally or left at his or her usual address at least six hours before the meeting; provided, such notice of meeting may be waived by any member. At such meetings of the council no business shall be transacted but that for which the meeting shall have been called, unless by unanimous consent of the council.
- (c) *Meetings to be Public.* Except as provided in Wisconsin Statute § 19.81 et seq., all meetings of the council, committees thereof and boards and commissions shall be open to the public.

#### Section 2-32. Quorum and Attendance.

Two-thirds of all alderpersons must be present to constitute a quorum for the transaction of business. The mayor shall not be counted in computing a quorum, majority or other proportion under the requirements of law for the same and shall not vote except in case of a tie. No member shall leave the council or committee of the whole without leave of absence.

#### Section 2-33. Presiding Officer.

The mayor shall take the chair at the hour appointed for the council to meet, and shall immediately call the members to order, and may, at the instance of any two members, order the attendance of absentees. In the absence of the mayor, the president of the council shall take his or her place or any member may call the council to order. The presiding officer shall preserve decorum and decide all questions of order subject to appeal to the council.

#### Section 2-34. Claims, Allowance Of.

- (a) No bill shall be allowed unless it is itemized.

- (b) No account or other demand against the city shall be allowed and directed to be paid, unless they shall be examined and certified to be correct by a committee of the council and reported and audited by the council.

**Section 2-35. Appointment of Officers.**

The appointment of all officers by the council shall be by ballot and shall be made annually, or more often, if necessary to fill vacancies. All appointments made by the mayor shall be subject to the approval of the council.

**Sections 2-36 – 2-60. Reserved.**

**Division 2. Ordinances and Resolutions**

**Section 2-61. Style.**

The style of all ordinances shall be: “The Common Council of the City of Tomahawk do ordain as follows.” No bylaw or ordinance shall contain more than one subject which shall be clearly explained in its title. Each ordinance shall be appropriately numbered.

**Section 2-62. Reading of Proposed Ordinances.**

No ordinance shall be put on its final passage on the same day on which it was introduced, unless by a suspension of the rules. Upon the second reading of the ordinance, the presiding officer shall state it as ready for adoption.

**Section 2-63. Appropriations or Payments.**

All bylaws and ordinances and all resolutions and orders for the appropriation or payment of money shall require, for their passage or adoption, the concurrence of a majority of all the alderpersons.

**Section 2-64 – 2-80. Reserved.**

**Division 3. Rules of Procedure**

**Section 2-81. Order of Business.**

At all stated meetings the following order shall be observed for disposing of business before the house:

- (1) Call to order.
- (2) Roll call.
- (3) Pledge of Allegiance.
- (4) Public comment period – five minute limit.
- (5) Review/approve minutes.
- (6) Review/approve vouchers.
- (7) Review/approve treasure’s report.
- (8) Committee reports.
- (9) Mayor’s report.
- (10) Review/approve licenses.
- (11) Review/approve resolutions.

- (12) Next meeting date.
- (13) Adjourn.

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### **Section 2-82. Parliamentary Rules.**

(a) *Roberts Rules of Order, Revised.* In the absence of a standing rule, the council shall have reference to Robert's Rules of Order, Revised.

(b) *Motions.*

(1) When a motion is made, it shall be in possession of the council and shall be stated by the presiding officer, or being in writing, and shall be delivered to the clerk to be read previous to debate. After a motion is stated by the presiding officer, it shall not be withdrawn except by consent of the council. When a member is about to speak to a question or make a motion, he or she shall rise and address the presiding officer and the presiding officer shall pronounce the name of the member entitled to the floor, and the member shall confine himself or herself to the question under consideration.

(2) When a question is before the council, no motion shall be received unless to adjourn, lay on the table, the previous question, to commit, or to amend, which several questions shall have precedence in the order in which they are made.

(c) *Voting.*

(1) *Form of Question.* "As many as are of the opinion (as the case may be) say aye: contrary, no:" and in doubtful cases, the presiding officer may direct or any member may call for a division.

(2) *Recording Votes.* The aye's and no's shall be taken and recorded upon any question before the council upon the call of any two members.

(3) *Members Required to Vote.* Every member present when a question is put shall vote, unless the council shall, for special reasons, excuse him or her.

(4) *Tie Votes.* The presiding officer shall, in all cases, be entitled to vote in case of a tie. It shall be in order for any member who voted in the majority on any question or for any member who voted in the negative when the council was equally divided, to move a reconsideration vote at the same or next succeeding regular meeting of the council. A motion to reconsider, having been put and lost, shall not again be in order.

(d) *Paper Ballot.* A paper ballot shall be taken if a motion is made and passed by a majority of the councilmembers present. Each ballot shall designate the councilmember making the vote.

### **Section 2-83. Suspension of Rules.**

The assent of two-thirds of all the members of the council shall be required to suspend, alter or modify any of the foregoing rules.

**Sections 2-84 – 2-100. Reserved.**

**Division 4. Committees**

**Section 2-101. Appointment.**

The standing committees of the council shall be appointed by the mayor annually at the time of the organization of the council, and shall be as follows, to consist of five members except as otherwise provided:

- (1) Board of public works, responsible for streets, sidewalks, sewer and water utility and street lighting matters for the City.
- (2) Finance, building and land
- (3) Board of review
- (4) Solid waste/recycling
- (5) Health and Safety Committee
  - a. Hears reports from the Police Department and Fire Department Regarding:
    - i. Calls of Service
    - ii. Citations
    - iii. Training and Meetings
    - iv. Hiring/Staff/Promotions
    - v. Public Relations Activities
  - b. Responsible for reviewing event applications and license and permits
- (6) Personnel
  - a. In addition to the five Council members, a non-voting citizen member shall be appointed to the Personnel Committee and shall service in an advisory role
- (7) Disaster preparedness

**Section 2-102. Reports.**

All committees to whom any matter shall be referred shall report thereon at the first stated meeting after such reference. On making their reports, committees shall return all papers containing the subject matter referred. All reports and resolutions shall be entered on the minutes and filed with the clerk.

**Section 2-103. Reference of Petitions.**

All petitions shall be presented by the presiding officer or by a member in his or her place, and the contents being briefly stated, shall be referred to a committee.

**Section 2-104 – 2-130. Reserved.**

**Article III. Officers and Employees\***

**Division 1. Generally**

**Section 2-131. Residency Requirements.**

All full-time employees of the city fire department shall permanently reside within the city limits.

**Section 2-132 – 2-150. Reserved.**

**Division 2. Elected Officials**

**Section 2-151. Enumeration.**

Elected officials of the city shall consist of:

- (1) *Mayor*. Two-year term elected in even-numbered years.
- (2) *Alderspersons*. Nine alderspersons with three from each aldermanic district. Two alderspersons in each district will be elected in even-numbered years and one shall be elected in odd-numbered years with each aldersperson serving a two-year term.

**Section 2-152 – 2-170. Reserved.**

**Division 3. Appointed Officials**

**Section 2-171. Enumeration.**

Appointed officials of the city shall consist of:

- (1) *City Attorney*. Appointed by the mayor subject to confirmation of the council to serve for an indefinite term.
- (2) *Clerk-Treasurer*. Appointed by the mayor subject to confirmation of the council to serve for an indefinite term.
- (3) *Chief of Police*. Appointed by the board of police and fire commissioners for an indefinite term.
- (4) *Fire Chief*. Elected by the volunteer department to serve at their pleasure.
- (5) *Director of Public Works*. Appointed by the mayor subject to confirmation by the common council for an indefinite term.
- (6) *Assessor*. Pursuant to Wisconsin Statute § 62.09(1) (c), the common council shall appoint a corporation or independent contractor to be assessor. Such assessor shall be appointed at such times and on such terms as the council may determine from time to time. The council and the person appointed shall comply with Wisconsin Statute § 62.09(1) (c), as it may be amended from time to time.

**Section 2-172 – 2-190. Reserved.**



**Article IV. Boards, Commissions and Committees\***

**Division 1. Generally.**

**Section 2-191 – 2-210. Reserved.**

**Division 2. Board of Public Works**

**Section 2-211. Membership.**

The board of public works shall consist of the mayor, who shall be the presiding officer, one alderperson from each aldermanic district and one alderperson at large from any of the aldermanic districts. The alderperson members shall be appointed annually by the mayor, subject to confirmation by the common council.

**Section 2-212 – 2-230. Reserved.**

**Division 3. Board of Police and Fire Commissioners**

**Section 2-231. Membership.**

The board of police and fire commissioners shall consist of five citizens, one of whom shall be appointed annually by the mayor subject to confirmation by the common council for a term of five years. No appointment shall be made which will result in more than three members of the board belonging to the same political party. The board shall keep a record of its proceedings. Members of the board shall receive no compensation. Wisconsin Statute § 62.13(1) – (5) are adopted by reference and made a part of this Code.

**Section 2-32 – 2-250. Reserved.**

**Article V. Finance\***

**Division 1. Generally**

**Section 2-251. Disposal of Personal Property.**

- (a) Any personal property no longer usable in, or suited to a particular department shall be turned over to the city to be disposed of in the manner provided in this section.
- (b) The city may assign any such property not exceeding \$50.00 in value to any city department for further use, or may sell the property and pay the proceeds into the city treasury.
- (c) No such property having a value in excess of \$50.00 shall be assigned or sold without the approval of the mayor.
- (d) The city shall hold an annual auction sale to dispose of all surplus personal property not otherwise disposed of during the year.

**Section 2-252. Duplicate Treasurer's Bond Eliminated.**

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- (a) *Bond Eliminated.* The city elects not to give the bond on the treasurer provided for by Wisconsin Statute § 70.67 (1).
- (b) *City Liable for Default of Treasurer.* Pursuant to Wisconsin Statute § 70.67 (2) the city shall be obligated to pay, in case the treasurer shall fail to do so, all state and county taxes required by law to be paid by such treasurer to the county treasurer.

### **Section 2-253. Fiscal Year.**

The calendar year shall be the fiscal year.

### **Section 2-254. City Funds to be Spent in Accordance with Appropriation.**

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by Section 2-322. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriations shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

### **Section 2-255 – 2-290. Reserved.**

## **Division 2. Purchasing Regulations**

### **Section 2-291 Requisitions**

- (1) Purchase requisitions on forms provided by the city shall be required for all purchases in excess of \$100.00
- (2) The finance committee and the clerk/treasurer may establish and circulate specific procedures for processing all purchasing among City departments and provide necessary forms for that purpose. The procedure may include additional procedures for certain purchases based on amount of purchase and/or the nature of the work or product required except that no request for proposal process shall require the City to accept any particular bid or to accept the low bid to allow the City to accept the bid deemed most advantageous by the City in the Common Council's sole discretion. In addition any request for proposal process shall prohibit the common council, by majority from deciding to reject any and all proposals and to reinstate such process as it deems necessary.
- (3) Purchases in accordance with budgeted appropriations for specific items or projects shall (except for those projects subject to Section 2-292 of this ordinance) be carried out by department heads or their designee, subject to and under the procedures provided by this ordinance or the finance committee rules to the extent of the specific appropriation. Expenditures above the appropriated amount for the specific item or project, regardless of the availability of funds for other projects or items, shall not be completed without council review and approval.

**Section 2-292 Public Construction Bid Process**

- (1) All public construction shall be subject to the bid requirements of § 62.15 Wis. Stats as may hereafter be amended.
- (2) Unless otherwise required by law, no other projects or construction activities shall be subject to the statutory bidding process of § 62.15 Wis. Stats.

**Section 2-293. Additional Contents of Public Construction Contracts.**

- (1) In addition to those provisions necessary to require the public construction to be of a professional quality, timely and to meet the specifications in the bid documents, the contract for public construction shall include the following provisions:
  - a. No estimates for payments shall be given at any time when there is any default in compliance with this provision, either in making the reports or making such payments without rebate or refund.
  - b. For contracts involving city money only, a statement that all outstanding bills will be paid before final payment is made to the contractor. A statement of release or lien waiver from vendors to the contractor would be acceptable. This statement will be presented to the city.

**Section 2-295. Other Purchases**

Subject to Section 2-291 and any policy established thereunder, all purchases, other than those specified in Section 2-292, may be made without advertising, however the city shall, so far as possible, solicit prices from at least three dealers or contractors. A record shall be kept of all such purchases and the prices so received. Authorized city officials may complete such purchases without referring the same to the council.

**Section 2-296. Unauthorized Purchases.**

No city officer shall order the purchase of any materials, supplies or equipment other than through the provisions of this article or procedures created by the finance committee hereunder, and, if such purchase is ordered contrary to the provisions of this article, such contract of purchase shall be voidable by the Common Council.

**Section 2-297. Specific Requirements for the Public Construction Bidding Procedure.**

- (1) In addition to those procedures provided by state law for public construction contracts under Section 2-292 of this ordinance, the City shall require the following:
- (2) Prequalification.
  - (a) Before delivering any form for bid proposals and plans and specifications pertaining to such bid proposals, any person who has not previously been found qualified under the provisions of this section, except delivery to material men, suppliers and others not intending to submit a direct bid, shall be required by the city to submit a full and complete statement sworn to before any officer authorized by law to administer oaths, of financial ability, equipment, experience in the work prescribed in the proposed bid and of such other matters as the city may deem necessary for the protection and welfare of the public

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in the performance of any contract for such purchases; such statement shall be on forms to be furnished by the city. Such statements shall be filed with the city not less than five days prior to the time set for opening of bids. The contents of such statements shall be confidential and shall not be disclosed except upon the written order of the person furnishing the same, or the necessary use in qualifying such person, or in cases of action against or by such person of the city. The city shall evaluate the sworn statements and shall find the maker of such statements either qualified or unqualified.

- (b) No bid shall be received from any person who has not submitted the statement provided in this section and has been found qualified.
- (3) Bid Security. Bid security shall be made payable to the owner in an amount not less than ten percent of the maximum amount of the bid. Bid security shall be either a certified check or a bid bond on a form issued by a surety licensed to conduct business in the state.
- (4) Proof of Liability. A successful bidder will be required to show proof of liability insurance. This will be due ten days after notice of award of contract by the city.
- (5) Notice to Bidder. Whenever a contract is awarded to any person other than the lowest responsible bidder, the person submitting the lowest bid shall be given written notice within 48 hours of the award of the contract, indicating the action of the common council and setting forth the reasons for awarding the contract to other than the lowest bidder.

### Sections 2-298 – 2-320. Reserved.

## Division 3. Budget Procedures

### Section 2-321. Enumerated.

- (a) *Departmental Estimates.* When requested by the finance committee, each year, each officer, department and committee shall file with the clerk an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the clerk and shall be designated as departmental estimates, and shall be as nearly uniform as possible for the main division of all departments.
- (b) *Finance Committee to Prepare.* Each year the finance committee shall prepare and submit to the council a proposed budget presenting a financial plan for conducting the affairs of the city for the ensuing the calendar year. The budget shall include the following information:
  - (1) The expense of conducting each department and activity of the city for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increase and decrease recommend as compared with appropriations for the current year.

- (2) An itemization of all anticipated income of the city from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal year.
- (3) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
- (4) Such other information as may be required by the council and by state law.

The city shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

- (c) *Hearing.* The council shall hold a public hearing on the budget as required by law. Following the public hearing the budget may be changed or amended and shall take the same course in the council as ordinances.

### **Section 2-322. Changes in Budget.**

The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget except by a two-thirds vote of the entire membership of the common council. Notice of such transfer shall be given by publication within ten days thereafter in the official city newspaper.

### **Sections 2-323 – 2-350. Reserved.**

## **Article VI. Public Records**

### **Section 2-351. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Authority* means any of the following city entities having custody of a city 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.

*Custodian* means that officer, department head, division head or employee of the city designated under Section 2-353 or otherwise responsible by law to keep and preserve any city records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

*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. The term "record" includes, but it not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes) and computer printouts or optical disk. Such term 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.

**Section 2-352. Duty to Maintain Records.**

- (a) Except as provided under Section 2-357, each officer and employee of the city shall safely keep and preserve all records received from his or her predecessor or other persons as required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which they may be lawfully entitled as such officers or employees.
- (b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the office or employee who shall file such receipt with the city clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the clerk on behalf of the successor to be delivered to such successor upon the latter's receipt.

**Section 2-353. Legal Custodians.**

- (a) Except as provided in Section 2-56, any person has a right to inspect a record and to make or receive a copy of any record as provided in Wisconsin Statute § 19.35(1).
- (b) Records will be available for inspection and copying during all regular office hours.
- (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- (d) A requester shall be permitted to use facilities comparable to those available to city employees to inspect, copy or abstract a record.
- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
  - (1) The cost of photocopying shall be the actual, necessary and direct cost of reproduction.
  - (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
  - (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.
  - (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.

- (5) There shall be no charge for locating a record unless the actual cost therefor exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requestor.
  - (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
  - (7) Elected and appointed officials of the city shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  - (8) The legal custodian may provide copies of a record without a charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- (g) Pursuant to Wisconsin Statute § 19.34, and their guidelines, 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, and 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 Wisconsin Statute §§ 19.31 – 19.39. This subsection does not apply to members of the common council.

#### **Section 2-355. Access Procedures.**

- (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wisconsin Statute § 19.37. Except as provided in subsection (c) of this section, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is made as required under Section 2-354(f) (6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requestor of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the city attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- (c) A request for a record may be denied as provided in Section 2-356. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reason denying the request is made by the requestor within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wisconsin Statute § 19.37(1), or upon application to the attorney general or a district attorney.

**Section 2-356. Limitations on Right to Access.**

- (a) As provided by Wisconsin Statute § 19.36, the following records are exempt from inspection under this section:
  - (1) Any record which is specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law is exempt from disclosure under Wisconsin Statute § 19.35(1), except that any portion of that record which contains public information is open to public inspection as provided in subsection (d) of this section.
  - (2) Except as otherwise provided by law, whenever federal law or regulations require or as a condition to receipt of aids by this state require that any record relating to investigative information obtained for law enforcement purposes be withheld from public access.
  - (3) A computer program, as defined in Wisconsin Statute § 22.03(4) (c), is not subject to examination or copying under Wisconsin Statute § 19.35(1), but the material used as input for a computer program or the material produced as a product of the computer program is subject to the right of examination and copying, except as otherwise provided in Wisconsin Statute § 19.35 or this section.
  - (4) A record or any portion of a record containing information qualifying as a trade secret as defined in Wisconsin Statute § 134.90(1) (c)
- (b) As provided by Wisconsin Statute § 43.30, public library circulation records are exempt from inspection under this section.
- (c) In responding to a request for inspection or copying of a record which it not specifically exempt from disclosure, the legal custodian, after conferring with the city attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
  - (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
  - (2) Records of current deliberations after a quasi-judicial hearing.
  - (3) Records of current deliberations regarding any city officer or employee concerning performance, compensation, promotion, employment, dismissal, demotion, or discipline; or the investigation of charges against a city officer or employee, unless such officer or employee consents to such disclosure.
  - (4) Records concerning current strategy for crime detection or prevention.
  - (5) Records of current deliberations or negotiations on the purchase of city property, investing of city funds or other city business whenever competitive or bargaining reasons require nondisclosure.
  - (6) Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.



- (7) Communications between legal counsel for the city and any officer, agent or employee of the city, when advice is being rendered concerning strategy with respect to current litigation in which the city or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Wisconsin Statute § 905.03
- (d) If a record contains information that may be made public and information that may not be made public, the custodian 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. The custodian shall confer with the city attorney prior to releasing any such record and shall follow the guidance of the city attorney when separating out the exempt material. If, in the judgment of the custodian and the city attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

### **Section 2-357. Preservation through Microfilm.**

Any city officer or the director of any department or division of city government may, subject to the approval of the mayor and common council, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wisconsin Statute § 16.61(7) (a) and (b), and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Sections 2-354 – 2-356.

### **Section 2-358. Destruction of Obsolete Public Records.**

- (a) *Financial Records.* The city clerk may destroy the following non-utility records of which he or she is the legal custodian and which are considered obsolete, after completion of an audit by state auditors or an auditor licensed under Wisconsin Statute Chapter 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction unless a shorter period has been fixed or will in the future be fixed by the committee on public records pursuant to Wisconsin Statute § 16.61(3) (e), and then after such shorter period:
  - (1) Bank statements, deposit books, slips and stubs.
  - (2) Bonds and coupons after maturity.
  - (3) Cancelled checks, duplicates and check stubs.
  - (4) License and permit applications, stubs and duplicates.
  - (5) Official bonds.
  - (6) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
  - (7) Receipt forms.
  - (8) Special assessment records.

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- (9) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
  - (10) Vouchers and supporting documents pertaining to charges not included in plant accounts of municipal utilities and sewer department.
  - (11) Other municipal utility and sewer department records with the written approval of the state public service commission.
- (b) *Utility Records.* The city clerk may destroy the following records of any municipal utility subject to the regulations by the state public service commission, and of the sewer department of the city, of which he or she is the legal custodian and which are considered obsolete, after completion of an audit by the state auditors or by an auditor licensed under Wisconsin Statute Chapter 442, but not less than two years after payment or receipt of the sum involved in the applicable transaction:
- (1) Water stubs.
  - (2) Sewer rental charge stubs.
  - (3) Receipts of current billings.
  - (4) Customer's ledgers.
- (c) *Other Records.* The city clerk may destroy the following records of which he or she is the legal custodian and which are considered obsolete, but not less than seven years after the records was effective:
- (1) Assessment rolls and related records, including board of review minutes.
  - (2) Contracts and papers relating thereto.
  - (3) Correspondence and communications.
  - (4) Financial reports other than annual financial reports.
  - (5) Insurance policies.
  - (6) Oaths of office.
  - (7) Reports of boards, commissions, committees and officials duplicated in the common council minutes.
  - (8) Resolution and petitions.
  - (9) Voter record cards.
- (d) *No Destruction before Started Time Period.* This section shall not be constructed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative regulations.

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- (e) *Meeting Minutes.* Taped recordings of any meetings of the common council or any committee, subcommittee or board appointed by or answering to the council or mayor, may be destroyed 90 days after the written minutes of that meeting have been approved and published if the purpose was to make minutes of the meeting.