

**TOWN OF OAKLAND  
JEFFERSON COUNTY, WISCONSIN**

**ORDINANCE NO. 57**

**AN ORDINANCE REGULATING THE RETENTION AND DESTRUCTION OF  
TOWN OF OAKLAND PUBLIC RECORDS**

Section 1 - Purpose

The purpose of this ordinance is to establish a town records retention schedule and authorize destruction of town 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 or converted to optical disk format pursuant to s. 16.61 (7), Wis. Stats.

Any record not covered by this ordinance or any regulation or law shall be retained seven (7) years in accordance with s. 19.21(4)(b), Wis. Stats., unless the record is added by amendment into this ordinance and the shorter time period approved by the State Public Records and Forms Board.

This section and the retention periods established in the Official Town Records Retention Schedule were reviewed and approved by the Public Records and Forms Board on December 21, 2007. Any amendments to this Ordinance or the Schedule shall be subject to review and approval by the Public Records and Forms Board to the extent required by state law.

Section 2 - Definitions

Disposition/Destruction. Physical destruction of obsolete records by shredding or burning or, in the case of electronic records, by deleting from a computer hard drive and reformatting or destroying the tape(s)/disk(s).

Legal Custodian. In addition to the definition provided by s. 19.33, Wis. Stats., "Legal Custodian" shall include the individual responsible for maintaining public records pursuant to the Town of Oakland Public Records Policy, or as otherwise responsible by law to keep and preserve Town records or file, deposit or keep such records in his/her office, or is lawfully in possession or entitled to possession of such public records and who is required to respond to requests for access to such records.

Record. 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 authority. Record includes, but is not limited to, handwritten, typed or printed pages, books, papers, maps, charts, photographs, films, recordings, tapes (including computer tapes), optical disks, electronically formatted documents, computer printouts, or other documentary materials.

Record does not include duplicate copies of materials the original copies of which are in the custody of the Town's legal custodian and which are maintained only for convenience or reference; 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/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.

Retention and Disposition Schedule. A list of Town records, attached to and made a part of the Ordinance, which specifies the period of time the records must be kept until destruction and method of disposition.

### Section 3 - General Provisions

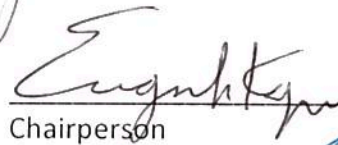
- A. Historical Records – Notification to State Historical Society of Wisconsin. As required by s. 19.21(4)(a), Wis. Stats., the State Historical Society of Wisconsin (SHSW) shall be notified prior to destroying records, with the exception of any record designated "Waived" in the retention schedule unless (1) the SHSW has waived the required statutory notice; or (2) the record is designated for permanent retention with the original custodian.
- B. Microfilming or Optical Imaging of Records. Public records may be kept and preserved through the use of microfilm or optical imaging, providing the microfilm or optical imaging meets applicable standards for microfilm specified by s. 16.61(7), Wis. Stats., and for optical imaging specified by s. 16.612, Wis. Stats.
- C. Destruction After Request For Inspection. No requested record shall be destroyed until after the request is granted or sixty (60) days after the request is denied. If an action is commenced under s. 19.37, Wis. Stats., the requested record may not be destroyed until after a court order is issued and all appeals have been completed as required by s. 19.35(5), Wis. Stats.

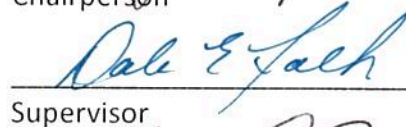
- D. Destruction Pending Litigation. No record subject to pending litigation shall be destroyed until the litigation is resolved.
- E. Tape Recording. Any tape recording of a governmental meeting of the Town may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and published if the purpose of the recording was to take minutes at the meeting.

Section 4 - Effective Date

This Ordinance shall be in force and effect from and after its passage and publication as by law.

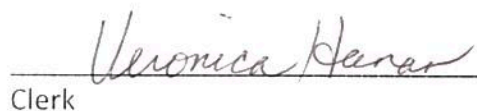
INTRODUCED AND ADOPTED by the Town Board of the Town of Oakland at a regular meeting held on the 20<sup>th</sup> day of February, 2008.

  
Chairperson

  
Supervisor

  
Supervisor

Attest:

  
Clerk

# RECORDS RETENTION ORDINANCE

Town Of Oakland, Jefferson County, Wisconsin

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- I. **PURPOSE.** The purpose of this chapter is to establish a records retention schedule and authorize destruction of records pursuant to the schedule on an annual basis. Records custodians may destroy a record prior to the time set forth in the schedule if such record has been photographically reproduced as an original record pursuant to §16.61(7), Stats.
- II. **HISTORICAL RECORDS.** The State Historical Society of Wisconsin (SHSW) has waived the required statutory 60 day notice under §19.21 (5) (d), Stats, for any record marked "W" (waived notice). 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 chapter. "N/A" indicates not applicable and applies to any record designated for permanent retention.
- III. **UNLISTED RECORDS.** Unless the Public Records and Forms Board fixes a shorter period, any record not covered by this chapter or any other regulation or law shall be retained 7 years. In addition, prior to the destruction of any and record not covered by this chapter or any other regulation or law, the required statutory 60 day notice under § 19.21 (5)(d). Stats. Must be given to the State Historical Society of Wisconsin (SHSW).
- IV. **COMPUTER RECORDS.** Provides information technology services for departments and stores records information electronically for departments. Records information stored electronically must be maintained pursuant to the guidelines established for the specific records enumerated in this ordinance.
- V. **DEFINITIONS.**
- VI. **DESTRUCTION AFTER REQUEST FOR INSPECTION.** No requested record may be destroyed until after the request is granted or 60 days after the request is denied. If action is commenced under Section 19.37 Stats, the requested record may not be destroyed until a court order is issued and all appeals have been completed. See Section 19.35(5), Stats.
- VII. **MICROFILMING OR OPTICAL DISK STORAGE OF DEPARTMENT RECORDS.** Departments may keep and preserve public records through the use of microfilm or optical disk storage providing that the applicable standards established in Sections 16.61(7) and 16.612, Wis. Stats. Respectively are met. Departments should consider factors such as retention periods and estimated costs and benefits of converting records between different media in deciding which reports to microfilm or store on optical disk. After verification paper records converted to either microfilm or optical disk storage should be destroyed. The retention periods identified in this ordinance apply to records in any media.
- VIII. **REVIEW AND APPROVAL BY PUBLIC RECORDS AND FORMS BOARD.** This chapter has been reviewed and approved by the Public records and Forms Board.
- IX. **RETENTION SCHEDULE.** The following records are maintained by the town and are subject to uniform regulation unless otherwise specified. The retention period and authority are listed with each record.

RECORD	RETENTION	AUTHORITY	W-N-N/A
A. GENERAL			
1. Any record subject to litigation, Claim, audit or other action.	Until permission to destroy obtained by Town Attorney		
2. Correspondence	3 years		
B. TREASURER			
1. General receipts and settlement receipts.	FIS+4	59.52 (4)(a)12, Stats	
2. Municipal tax rolls (See also "Planning & Development")	15 years	59.52(4)(a)14, Stats	
3. Balancing reports	FIS+4		
4. Bank reconciliations	FIS+4		
5. Outstanding checks	FIS+4		
6. Check register	FIS+4		
7. Deposit Tickets	FIS+4		
8. Bank credit/debit notices	FIS+4		
9. Tax receipts	15 years	59.52(4)(a)14, Stats	
10. Tax Calculation records	FIS+4		
11. Special Assessment records	FIS+4		
12. All other receipts of county treasurer	FIS+4	59.52(4)(a)15, Stats	
13. Real Property Work Sheets (Based on Assessment Work Roll)	Permanent		
14. Tax Collection Records	FIS+4		
15. Board of Review Records	7 yrs. After final action or completion of appeal		

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#### C. TOWN CLERK

1. Original papers, resolutions & reports Appearing in town board proceedings	6 years after date of publication	59.52(4)(b)1, Stats
2. Journal of Proceedings	6 years after date of publication	
3. Committee minutes	6 years after date of publication	59.52(4)(b)3, Stats
4. Taped Meeting Minutes	90 days after approval of written minutes	
5. Report of functional jurisdiction of roads	10 years or until next report received	
6. Town Road Map	Until next map received	
7. Town plats	3 years	
8. Town Development Plan	Until superseded	
9. Waste Management Plan	Until superseded	
10. Insurance records	7 years	
11. Municipal Borrowing Records	7 years after debt retired	
12. Permits	7 years of issuance	

#### D. ELECTIONS

1. Supervisory district plan and map	Until next apportionment	7.23(i)(j), Stats
2. Official bonds	6 years	59.52(4)(a)8, Stats
3. Oaths of office	7 years	59.52(4)(a)17, Stats
4. Election financial reports; elected financial registration statements	6 years	7.23(1)(d), Stats
5. Registration & poll lists:		
-non-partisan primary or election	2 years	7.23(1)(e), Stats
-partisan primary or elections	4 years	

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6. Federal election records other than registration cards	22 months	7.23(1)(f), Stats
7. Any election ballots	30 days after election	7.23(1)(h), Stats
8. Official election canvasses	10 years after election	7.23(1)(i), Stats
9. Election notices, proofs of publication & correspondence	1 year after date of election unless contested, then by order of court	7.23(1)(j), Stats
10. All other election materials & supplies	90 days after election	7.23(1)(k), Stats
11. Records transferred by a registrant who submits a dissolution report after primary and general elections	3 years after their last election	10.74(8)(e), Stats

#### E. CLAIMS/LITIGATION

1. Claims paid by town & supporting papers	7 years
2. Any record subject to litigation, claim, audit or other action	7 years after closure
3. General Liability and Property Damage Claims	7 years after closure
4. Workers Compensation and Liability Claims	7 years after closure

#### F. TOWN ATTORNEY

1. Case files/Currently being litigated	3 years after closure or when appeal time has run, whichever is longer or per SCR
2. Legal memos	7 years
3. Legal Opinions	Permanent



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#### G. HIGHWAY

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| 1. Machinery, time sheets                          | 1 year after<br>machinery replaced         |
| 2. Permits   | Permanent                                  |
| 3. State gas reports                               | FIS+4                                      |
| 4. Accident reports (copies)                       | 7 years                                    |
| 5. Insurance reports (copies)                      | 3 years                                    |
| 6. Stock control records                           | 2 years                                    |
| 7. Fuel usage reports                              | 3 years                                    |
| 8. Heavy equipment and vehicle<br>inventory ledger | Until superseded                           |
| 9. Vehicle maintenance histories                   | Life of vehicle                            |
| 10. Vehicle usage reports                          | 2 years                                    |
| 11. Relocation orders/maps                         | Retain latest revision<br>for each project |

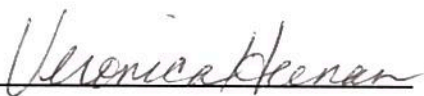
#### H. PERSONNEL

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| 1. Payroll register, other payroll report,<br>and social security and retirement<br>earnings reports | 10 years |
| 2. Withholding allowance certificates,<br>employee wage and tax statements,<br>and other tax records | 7 years  |
| 3. Time cards, attendance records,<br>salary schedule  | 7 years  |
| 4. Garnishment reports   | FIS+4    |
| 5. Rough work papers used in payroll<br>calculations   | FIS+4    |

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6. Unemployment Compensation records	3 years
7. Retirement records	8 years after end of service
8. Deferred compensation payment records	8 years after end of service
9. Department training records	7 years
10. Performance evaluations and medical records	6 years
11. EEO-4 reports, obsolete job description and any personnel or employment records made or kept, including but not limited to application forms or test papers by applicants and other records or decisions pertaining to hiring, promotion, demotion, transfer, layoff or termination, terms of compensation, and selection of training	3 years except where a charge of discrimination has been filed; all personnel records relevant to a charge or action shall be retained until final disposition of the charge or action
12. Union contracts and grievance, mediation and arbitration records	Permanent
13. Individual employee personnel files	8 years after end of service
14. Directives and policies	7 years after being updated or terminated

Adopted at a duly called and noticed meeting of the Board of Supervisors of the Town of Oakland this 20<sup>th</sup> day of February, 2008.

  
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Veronica Heenan  
Clerk/Treasurer

Attest:

  
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Eugene Kapsner  
Town Chairperson