TITLE 3

Finance and Public Records

Chapter 1	Finance
Chapter 2	Special Assessments
Chapter 3	Public Records
Chapter 4	Public Building Use

Town of Big Bend

Title 3 ▶ Chapter 1
Finance

3.1-1	Fiscal Management
3.1-2	Preparation and Adoption of Budget
3.1-3	Changes in Budget
3.1-4	Town Funds to Be Spent in Accordance with Appropriation
3.1-5	Annual Financial Statement
3.1-6	Finance Book
3.1-7	Financial Audits
3.1-8	Claims Against Town
3.1-9	Disbursements from Town Treasury
3.1-10	Facsimile Signatures
3.1-11	Public Depository
3.1-12	Temporary Investment of Funds Not Immediately Needed
3.1-13	Public Contracts and Competitive Bidding
3.1-14	Receiving Money; Receipt for Same
3.1-15	Duplicate Treasurer's Bond Eliminated
3.1-16	Statement of Real Property Status
3.1-17	Accounts Receivable
3.1-18	Annual Audits
3.1-19	Fee for Returning Checks with Insufficient Funds; Reimbursement of Collection Costs
3.1-20	Policy for Public Deposits and Investments

Town of Big Bend

Sec. 3-1-1 Fiscal Management.

The Town Board of the Town of Big Bend has the specific authority, powers and duties pursuant to law, including but not limited to Chapters 60, 65, 66, 67, 70 and 74, Wis. Stats., to manage, supervise and direct the fiscal operations of the Town of Big Bend and to develop, maintain and implement a fiscal management system for the Town.

Sec. 3-1-2 Preparation and Adoption of Budget.

(a) **Fiscal Year; Annual Budget.** The Town of Big Bend fiscal year is the calendar year. The Town budget shall be adopted annually.

(b) **Preparation.** The Town Board is responsible for preparation of the proposed budget required under Sec. 65.90, Wis. Stats. In preparing the budget, the Town Board may provide for assistance by any person.

(1) **Elements of Budget.** Each budget and budget summary prepared by and approved by the Town Board shall prepare the budget pursuant to Sec. 65.90, Wis. Stats, and other applicable law.

(c) **Copies of Budget.** The Town shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

(d) **Hearing.** The Town Board shall conduct the budget hearing required under Sec. 65.90, Wis. Stats.

(e) **Adoption.** The Town Board shall adopt the Town budget. The Town meeting may either retain authority to approve any tax levy needed to support spending approved by the Town Board or may delegate the authority to approve a tax levy to the Board.

(f) **Amendment.** The Town budget may be amended by the Town Board under Sec. 65.90(5), Wis. Stats.

State Law Reference: Secs. 60.40 and 65.90, Wis. Stats.

Sec. 3-1-3 Changes in Budget.

The adopted budget shall not be changed after approval of the budget except upon the recommendation of the Chairperson and upon a roll call two-thirds (2/3) vote of the entire membership of the Town Board. Notice of such change shall be given as required by law.

Sec. 3-1-4 Town Funds to Be Spent in Accordance with Appropriation.

No money shall be drawn from the treasury of the Town, 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 3-1-3 of this Chapter. At the close of each fiscal year, any unencumbered balance of any appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Board, 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 appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Sec. 3-1-5 Annual Financial Statement.

The Town Board annually shall prepare a statement of the financial condition of the Town and present the statement to the annual town meeting. In preparing the statement, the Town Board may provide for assistance by any person. The statement shall include the previous year's revenues and expenditures and the current indebtedness of the Town.

State Law Reference: Sec. 60.41, Wis. Stats.

Town of Big Bend

Sec. 3-1-6 Finance Book.

The Town Clerk-Treasurer shall maintain a finance book under Sec. 60.33(3), Wis. Stats.

Sec. 3-1-7 Financial Audits.

The Town Board shall provide for financial audits under Secs. 60.43 and 66.0605, Wis. Stats.

State Law Reference: Secs. 60.43, and 66.0605, Wis. Stats.

Sec. 3-1-8 Claims Against Town.

(a) **Legal Claims Against the Town.**

(1) Wisconsin Statutes manage and control any legal claims against the Town of Big Bend, its officers, its employees and its agents. Claims for money against the Town or against officers, officials, agents or employees of the Town arising out of acts done in their official capacity shall be filed with the Town Clerk-Treasurer as provided under Sec. 893.80(1)(b), Wis. Stats. The Town Clerk-Treasurer shall immediately contact the Town Chairperson regarding the claims. The Town Chairperson shall arrange any appropriate and necessary meeting of the Town Board for actions pursuant to Sections 60.44 and 893.80, Wis. Stats., to allow or disallow any claim. The Town Chairperson shall, at his or her discretion, contact the Town Attorney regarding the claim prior to the meeting of the Town Board.

(2) The Town Board shall allow or disallow the claim. Notice of disallowance shall be made as provided under Sec. 893.80(l)(b), Wis. Stats.

(b) **Claims Procedure.**

(1) The Town, having adopted a resolution to direct the Town Board to exercise Village Board powers under Sec. 60.10(2)(c), Wis. Stats., does now enact an alternative system of approving certain regular financial claims against the Town by virtue of the provisions of Sec. 66.0609, Wis. Stats.

(2) Payments may be made from the Town treasury after the Clerk-Treasurer audits and approves each claim as a proper charge and endorses his/her approval on the claim after having determined that the following conditions have been met:

a. That funds are available therefor under the budget approved by the Town Board.

b. That the service covered by such claim has been authorized by the proper official, department head, board or commission.

c. That the service has been actually rendered in conformity with such authorization.

d. That the claim is just and valid according to law. The Clerk-Treasurer may require the submission of such proof and evidence to support the above as he/she may deem necessary.

(3) The authority extended to the Town Clerk-Treasurer above shall apply only to the regular payroll checks of Town employees and the salaries of elected Town officials. All other claims against the Town will be examined and approved in accordance with the applicable law.

(4) The Clerk-Treasurer shall file with the Town Board, not less than monthly, a list of the

Town of Big Bend

claims approved showing the date paid, name of claimant, purpose and amount.

(5) The Town Board shall authorize an annual detailed audit of its financial transactions and accounts by a public accountant licensed under Ch. 442, Wis. Stats., and designated by the Town Board.

State Law Reference: Sec. 60.44, Wis. Stats.

Sec. 3-1-9 Disbursements from Town Treasury.

Disbursements from the Town treasury shall be made under Sec. 66.0607, Wis. Stats. No claim, account or demand for payment against the Town shall be paid until a voucher has been filed with or prepared by the Town Clerk-Treasurer. Each check representing a disbursement or transfer of Town funds must be signed by the Town Clerk-Treasurer and Town Chairperson.

State Law Reference: Sec. 60.45, Wis. Stats.

Sec. 3-1-10 Facsimile Signatures.

In lieu of the personal signatures of the Town Clerk-Treasurer and Chairperson, there may be affixed on order checks the facsimile signatures of such persons adopted by them and approved by the Town Board, but the use of the facsimile signature shall not relieve such official from any liability to which he/she is otherwise subject, including the unauthorized use thereof.

Sec. 3-1-11 Public Depository.

The Town Board shall designate one (1) or more public depositories for depositing funds of the Town. These public depositories shall be approved financial institutions as noted in Sec. 66.0603, Wis. Stats. The Clerk-Treasurer and the Clerk-Treasurer's surety are not liable for loss, as defined under Chapter 34, Wis. Stats., or money deposited in the name of the Town in a designated public depository. Interest accruing from Town money in a public depository shall be credited to the Town.

State Law Reference: Sec. 60.46, Wis. Stats.

Sec. 3-1-12 Temporary Investment of Funds Not Immediately Needed.

(a) The Town Clerk-Treasurer, in cooperation with the Town Board, may invest any Town long-term funds and temporary funds not immediately needed, pursuant to Sections 66.0603 and 219.05, Wis. Stats.

(b) The Town Board and the Town Clerk-Treasurer shall use the following criteria in determining the financial options available for investing the financial assets of the Town:

(1) The safety of the investment.

(2) The maturity of the investment.

Town of Big Bend

(3) The liquidity of the investment.
(4) The yield of the investment.
(5) The other services available to the Town with the investment.

State Law Reference: Secs. 66.0605 and 219.05, Wis. Stats.

Sec. 3-1-13 Public Contracts and Competitive Bidding.

Public Contracts shall be bid as required by Sec. 60.47, Wis. Stats.

State Law Reference: Sec. 60.47, Wis. Stats.

Sec. 3-1-14 Receiving Money; Receipt for Same.

(a) The Town Clerk-Treasurer shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt therefor in the manner specified by the Town Board.
(b) Upon the payment of any money (except for taxes as herein provided), the Clerk-Treasurer shall make out a receipt in duplicate for the money so received. The Clerk-Treasurer shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the Town or to the Town or to the Clerk-Treasurer shall be safeguarded in such manner as the Town Board shall direct.

State Law Reference: Sec. 66.0607, Wis. Stats.

Sec. 3-1-15 Duplicate Treasurer's Bond Eliminated.

The Town of Big Bend elects not to give the bond on the Town Clerk-Treasurer provided for by Sec. 70.67(1), Wis. Stats., and makes itself obligated to make any payments as required by said statute.

State Law Reference: Sec. 70.67, Wis. Stats.

Sec. 3-1-16 Statement of Real Property Status.

The Town Clerk-Treasurer and designees are authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, contemplated improvement, floodplain status, violation of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. The Town Clerk-Treasurer and/or designees may collect a fee, as prescribed in Section 1-3-1, payable at the time a request for compiling such

Town of Big Bend

information on said form. The Town Clerk-Treasurer and/or designees shall have a minimum of five (5) business days during the regular work week to satisfy such requests. Neither the Town nor its officials assume any liability when providing this service.

Sec. 3-1-17 Accounts Receivable Billing Procedures.

Billings by the Town may be paid within thirty (30) days after billing without interest. Thereafter, interest may be charged at the rate of one and one-half percent (1-1/2%) per month or any fraction thereof, until the following fifteenth (15th) day of November. Bills not paid on or before the first (1st) day of November may have added to the total amount due one and one-half percent (1-1/2%) of said charges and may be entered on the tax roll as a special charge and become a lien upon real estate.

Sec. 3-1-18 Annual Audits.

A firm of certified public accountants shall be employed each year by the Town, subject to the confirmation of the Town Board to conduct a detailed audit of the Town's financial transactions and its books, and to assist the Town Clerk-Treasurer in the management of the Town's financial affairs. These auditors shall be employed on a calendar-year basis. The books audited shall, in addition to the Town financial records of the office of the Town Clerk-Treasurer, and only include books of any other boards, commission, officers or employees of the Town handling Town monies.

Sec. 3-1-19 Fee for Returning Checks with Insufficient Funds; Reimbursement of Collection Costs.

(a) There shall be a fee in accordance with the Town Board's current fee schedule for processing checks made payable to the Town that are returned because of insufficient funds in the account in question.

(b) Collection costs and attorney's fees shall be added to the principal amounts of unpaid bills owed to the Town that are placed with collection agencies.

Sec. 3-1-20 Policy for Public Deposits and Investments.

(a) **Purpose.** It is in the interest of the Town of Big Bend to adopt a policy to insure continuous prudent deposits and investments of available Town funds. The Town Board of the Town of Big Bend establishes the following policies in the public interest for the deposit and investment of available Town funds.

(b) **Public Depositories.**

(1) ***Depositories.*** The Town Board shall, by ordinance or resolution, designate one (1) or more public depositories, organized and doing business under the laws of this state or federal law, and located in Wisconsin, in which the Town Clerk-Treasurer shall deposit all public monies received by her/him.

(2) ***Limitations.*** The resolution or ordinance designating one (1) or more public

Town of Big Bend

depositories shall specify whether the monies shall be maintained in time deposits subject to the limitations of Sec. 66.0603, Wis. Stats., demand deposits or savings deposits, and whether a surety bond or other security shall be required to be furnished under Sec. 34.07, Wis. Stats., by the public depository to secure the repayment of such deposits. Not more than One Million Dollars ($1,000,000) shall be deposited in any one (1) public depository, unless specifically authorized by the Town Board.

(3) ***Deposits.*** The Town Clerk-Treasurer shall deposit public monies in the name of the Town of Big Bend in such public depositories designated by the Town Board and subject to the limitations hereinabove set forth.

(4) ***Withdrawals.*** Withdrawals or disbursements by the Town Clerk-Treasurer of monies deposited in a public depository shall be made as provided by Sections 66.0603, Wis. Stats. The Town Clerk-Treasurer is authorized, at her/his discretion, to process periodic payments through the use of money transfer techniques as set forth in Sec. 66.0607, Wis. Stats.

(c) **Miscellaneous.**

(1) ***Liability.*** Notwithstanding any other provision of law, the Town Clerk-Treasurer who deposits public monies in any public depository, in compliance with Sec. 34.05, Wis. Stats., is, under the provisions of Sec. 34.06, Wis. Stats., relieved of any liability for any loss of public monies which results from the failure of any public depository to repay to the public depositor the full amount of its deposits, thus causing a loss as defined in Sec. 34.01(2), Wis. Stats.

(2) ***Definitions.*** Words or phrases shall, insofar as applicable, have the meaning set forth in Sec. 34.01, Wis. Stats., as amended.

(3) ***Conflicts.*** This Section is enacted in accordance with the provisions of Chapter 34 and Sections 66.0601, 66.0603 and 66.0607, Wis. Stats. In case of conflict, the state laws shall prevail.

Cross-Reference: Section 3-1-12.
State Law Reference: Ch. 34 and Secs. 66.00601, 66.0603 and 66.0607, Wis. Stats.

Town of Big Bend

Title 3 ▶ Chapter 2

Special Assessments

3-2-1 Town Board May Levy Special Assessments
3-2-2 Special Charges Permissible
3-2-3 Miscellaneous Provisions

Sec. 3-2-1 Town Board May Levy Special Assessments.

(a) The Town of Big Bend may levy and collect special assessments pursuant to this ordinance and Chapter 66, Wis. Stats.

State Law Reference: Section 66.0701, and 66.0703, Wis. Stats.

Sec. 3-2-2 Special Charges Permissible.

(a) In addition to all other methods provided by law, special charges for current services provided to properties may be imposed by the Town Board by allocating all or part of the cost to the property served. Such services may include, but are not limited to, snow and ice removal, weed elimination, street sprinkling, oiling or tarring, garbage and refuse disposal, and tree care or removal. The provision for notice of such charges shall be optional with the Town Board except that, in the case of street, sidewalk, curb or gutter repair, twenty (20) days notice published in the Town newspaper, or by posting such notice in three (3) places in the Town and a copy of such notice mailed to every interested person whose post office address is known, at least ten (10) days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the Town Board as to whether the service in question shall be performed.

(b) Such special charges shall not be payable in installments. If not paid within the period fixed by the Town Board, such delinquent charge shall become a lien as provided in Sec., 66.0627, Wis. Stats.

Sec. 3-2-3 Miscellaneous Provisions.

(a) If any assessment or charge levied under this Chapter is invalid because such statutes are found to be unconstitutional, the Town Board may thereafter reassess such assessment or

Town of Big Bend

charge pursuant to the provisions of any applicable law.

(b) The Town Board may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived in writing by property owners affected.

(c) Notwithstanding any other provision of law or this or other Ordinance or resolution, it is specifically intended and provided by this Chapter that the Town may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

Town of Big Bend

Title 3 ▶ Chapter 3

Public Records

3.3-1	Definitions
3.3-2	Duty to Maintain Records
3.3-3	Legal Custodian(s)
3.3-4	Public Access to Records
3.3-5	Access Procedures
3.3-6	Limitations on Right to Access
3.3-7	Destruction of Records
3.3-8	Preservation Through Microfilm
3.3-9	Taped Records of Meetings
3.3-10	Confidentiality of Certain Assessor's

Town of Big Bend

Sec. 3-3- Definitions.

The definitions found in Sec. 19.32, Wis. Stat. shall be applicable in this Chapter.

Sec. 3-3-2 Duty to Maintain Records.

(a) **Authority.** The Town Board of the Town of Big Bend has the specific authority, powers and duties, pursuant to Wisconsin Statutes, to manage and direct certain affairs related to Town public records.

(b) **Public Record and Public Property Responsibilities.** All public records and public properties belonging to the Town of Big Bend, including records and public properties of officers, special offices, committees, commissions, agencies, authorities, boards or other special government units of the Town shall be safely kept, properly maintained and carefully preserved by the legal custodian thereof when:

(1) These officers, employees or agents receive custody of the public records and public property from their predecessor or other persons.

(2) These public records and public properties are required by state law or by Town ordinance to be filed, deposited or kept in the offices of these officers, employees or agents.

(3) These public records and public properties are in lawful possession of these officers, employees or agents or the possession or control of which these officers, employees

or agents may be lawfully entitled by state law or by Town.

(c) **Responsibility of Office.** Except as provided under Section 3-3-7, each officer and employee of the Town shall safely keep and preserve all records received from his or her predecessor or other persons and 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 he or she or they may be lawfully entitled as such officers or employees.

(d) **Responsibility Upon Expiration of Officer's Term.** 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 officer or employee, who shall file said receipt with the Town Clerk-Treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk-Treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

Sec. 3-3-3 Legal Custodian(s).

(a) Each 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 Town Clerk-Treasurer or his/her designee shall act as legal custodian for all Town records, including records of the Town Board and any committees, commissions, boards or other authorities created by ordinance or resolution of the Town Board. In the event that the Town Clerk-Treasurer is not available, then the Town Clerk- Treasurer shall designate someone to act in his/her behalf as legal custodian.

(c) For every authority not specified in Subsections (a) and (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 designee.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Ch. 19, Wis. Stats., and this Chapter. The designation of a legal custodian does not affect the powers and duties of an authority under this Section.

Sec. 3-3-4 Public Access to Records.

(a) Except as provided in Section 3-3-6, any person has a right to inspect a record and to make or receipt a copy of any record as provided in Sec. 19.35(1), Wis. Stats.

(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 forty-eight (48) hours advance notice of intent to inspect or copy. Depending on the nature and scope of the request, additional time may be required by the authority.

Town of Big Bend

(d) A requester shall be permitted to use facilities comparable to those available to Town 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. No original public records of the Town shall be removed from the possession of the legal custodian.

(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 a per page fee in accordance with the Town Board's current fee schedule. The Town may charge actual, necessary costs in duplicating or communicating requested records, including facsimile transmissions. Said cost has been calculated not to exceed 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. The Town is not required to purchase or lease for any requesting person any equipment or facilities for photocopying, photographing or other copying.

(3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- or video-tapes, 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 Fifty Dollars ($50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requester. The Town will determine the cost of locating a record by using the hourly rate in accordance with the Town Board's current fee schedule for employees involved in attempting to locate the record.

(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 Five Dollars ($5.00).

(7) Elected and appointed officials of the Town 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 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 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, 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 Sections 3-3-4 through 3-3-6 of this Chapter. This Subsection does not apply to members of the Town Board.

Town of Big Bend

Sec. 3-3-5 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 Sec. 19.37, Wis. Stats.

(b) Except as provided below, 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 required under Section 3-3-4(f)(6).

(c) The legal custodian generally may not request the name of the requesting person or the reasons for the need to access the public record except if the legal custodian keeps the public record at a private residence, or if the legal custodian, for security reasons, believes identification is necessary and appropriate or except if federal law and regulations requires identification of the requesting person. 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.

(d) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester 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 Town 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.

(e) A request for a record may be denied as provided in Section 3-3-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five (5) 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 Sec. 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

Sec. 3-3-6 Limitations on Right to Access.

(a) A request may be denied in whole or in part pursuant to Sec. 19.36, Wis. Stats. and other applicable state law. The following are some of the reasons a record request may be denied:

(1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;

(2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;

(3) Computer programs, although the material used as input for a computer program or

Town of Big Bend

the material produced as a product of the computer program is subject to inspection;

(4) Pursuant to Sec. 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. "Trade secrets" are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential;

(5) As provided by Sec. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this Section.

(b) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Town 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 request 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) Pursuant to Sec. 19.85(l)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing.

(3) Pursuant to Sec. 19.85(1)(b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any Town officer or employee, or the investigation of charges against a Town officer or employee, unless such officer or employee consents to such disclosure.

(4) Pursuant to Sec. 19.85(l)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.

(5) Pursuant to Sec. 19.85(l)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of Town property, investing of Town funds or other Town business whenever competitive or bargaining reasons require nondisclosure.

(6) Pursuant to Sec. 19.85(l)(f), Wis. Stats., 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) Pursuant to Sec. 19.85(l)(g), Wis. Stats., communications between legal counsel for the Town and any officer, agent or employee of the Town, when advice is being rendered concerning strategy with respect to current litigation in which the Town or any of its officers, agent or employees is or is likely to become involved, or communications which are privileged under Sec. 905.03, Wis. Stats.

(8) Pursuant to Sec. 19.85(l)(h), Wis. Stats., requests for confidential written advice from an ethics board and records of advice given by such ethics board on such requests.

(c) 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 Town Attorney prior to releasing any such record and shall follow the guidance of the Town Attorney when separating out the exempt material. If, in the judgment of the custodian and the Town Attorney, there is no

Town of Big Bend

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.

Sec. 3-3-7 Destruction of Records.

(a) Town officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Department of Revenue or an auditor licensed under Chapter 442 of the Wisconsin Statutes but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such shorter period:

(1) Bank statements, deposit books, slips and stubs.
(2) Bonds and coupons after maturity.
(3) Canceled checks, duplicates and check stubs.
(4) License and permit applications, stubs and duplicates.
(5) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
(6) Receipt forms.
(7) Special assessment records.
(8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(b) Town officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven (7) years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years.

(1) Contracts and papers relating thereto;
(2) Excavation permits;
(3) Inspection records.

(c) Town officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven (7) years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period.

(1) Contracts and papers relating thereto.
(2) Correspondence and communications.
(3) Financial reports other than annual financial reports.
(4) Justice dockets.
(5) Oaths of office.

Town of Big Bend

(6) Reports of boards, commissions, committees and officials duplicated in the Town Board proceedings.
(7) Election notices and proofs of publication.
(8) Canceled voter registration cards.
(9) Official bonds.
(10) Police records other than investigative records.
(11) Resolutions and petitions.

(d) Unless notice is waived by the State Historical Society, at least sixty (60) days' notice shall be given the State Historical Society prior to the destruction of any record as provided by Sec. 19.21(4)(a), Wis. Stats.

Sec. 3-3-8 Preservation.

Any Town officer, or the director of any department or division of Town government may, subject to the approval of the Town Board, 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 Sec. 16.61(7)(a) and (b), Wis. Stats., 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 applicable Town ordinances.

Sec. 3-3-9 Taped Records of Meetings.

The Town Board, any office, any special office, committee, any commission, any agency, any authority, any board or any other special government units of the Town of Big Bend and their officers, their employees and their agents of the aforesaid may destroy any taped or digitally recorded records of any public meeting of the aforesaid no sooner than ninety (90) days after the public meeting minutes have been approved by the appropriate government unit if the purpose of the tape recording was to make and maintain minutes of the public meeting.

Sec. 3-3-10 Confidentiality of Certain Assessor's Records.

(a) **Adoption.** This Section adopts by reference Sec. 70.47(7)(af), Wis. Stats. Income and expense information provided by a property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Sec. 19.35, Wis. Stats.

(b) Exceptions. Pursuant to Sec. 70.47(7)(af), Wis. Stats, the Town shall provide exceptions to said confidentiality to persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of a court. The following are examples where the exception may apply:
(1) The Assessor, who shall maintain confidentiality unless disclosure is required by law;
(2) The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;

Town of Big Bend

(3) The person is complying with a court order;

(4) The person providing the income and expense information has contested the assessment level at either the board of review or by filing a claim for excessive assessment under Sec. 74.37, Wis. Stats., in which case the base records are open and public.

Town of Big Bend

Title 3 ▶ Chapter 4

Public Building Use

3-4-1 Authority
3-4-2 Public Building Access and Use

Sec. 3-4-1 Authority.

The Town Board has the specific authority, powers and duties pursuant to Sections 60.10, 60.22, Wis. Stats., and specific statutory authority, powers and duties with authorization of the Town meeting, to purchase, lease, construct and dispose of buildings and property for the Town of Big Bend and to manage and direct certain affairs related to Town buildings and lands.

Sec. 3-4-2 Public Building Access and Use.

(a) **Authority for Public Access.** The Town Board has the authority to establish dates and times for public access to the public buildings and public lands owned or leased by the Town. In addition, the Town Board has the authority to place additional restrictions on the use of the public buildings and public lands owned or leased by the Town.

(b) **Town Hall.**

(1) The Town Hall of the Town of Big Bend shall be open to the public as posted unless written notice to the contrary is posted at the usual and customary locations in the Town.

(2) The Town Hall may be open to the public at other times with the approval of the Town Board. The use of the Town Hall may be provided for non-governmental functions and events. The Town Board may charge a daily rental fee for such use to the responsible party. In addition to the rental fee, the Town Board may require that the responsible party provide a written indemnification and/or a policy of insurance to indemnify and hold harmless the Town of Big Bend from any costs, damages or expenses the Town may incur as a result of any injury to any person at or near the Town Hall.

(3) Town Hall users shall be required to pay to the Town a security deposit in an amount determined by resolution of the Town Board, or its designee. Such security deposit may be refunded, in all or part, upon a finding that the premises were left in a satisfactory condition.

(c) **Litter and Discharge.**

(1) The Town Board does not permit the disposal or discharge of any litter, solid waste,

Town of Big Bend

hazardous waste, garbage or any other refuse in any Town public building and on the premises of any Town building except in disposal containers authorized by the Town.

(2) No person shall dispose or discharge the above noted waste in violation of this provision. Any person violating this provision shall immediately and totally reclaim and remove the disposed or discharged waste from the Town public building.

(d) **Smoking Prohibited in Building.** It shall be unlawful for any person to use any tobacco product in the Town Hall, or to use any other material that can be smoked in the Town of Big Bend Town Hall. The Town also adopts by reference 101.123, Wis. Stats.

(e) **Alcohol Beverages Prohibited.** It shall be unlawful for any person to possess or consume any alcohol as defined by 125.02, Wis. Stat., in the Town of Big Bend Town Hall or on the Town Hall grounds.

Town of Big Bend