

ORDINANCE NO.: 5184

AN ORDINANCE to repeal and recreate the definition of Record in Sec. 2-237, to repeal and recreate Sec. 2-240 and amend Sec. 2-241 of the Code of Ordinances of the City of La Crosse regarding Record Retention and Destruction of Public Records.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: The definition of "Record" in Section 2-237 is hereby repealed and recreated to read as follows:

"Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. "Record" 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 that 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 that are available for sale, or that are available for inspection at a public library.

SECTION II: Section 2-240 is hereby repealed and recreated to read as follows:

Sec. 2-240. – Record Retention and Destruction of Public Records.

- (a) *Records Schedule Adopted.* The City of La Crosse hereby adopts, by reference, the Wisconsin Municipal Records Schedule (hereinafter "WMRS"), pertaining to the retention and destruction of public records, as approved by the State of Wisconsin Public Records Board (hereinafter "Records Board") on August 27, 2018; and when the record is not contained within the WMRS, in conformance with the Records Board other General Records Schedules (hereinafter "GRS"). Copies of the WMRS and GRS (hereinafter "Records Schedule") will be kept on file in the City Clerk's Office located at 400 La Crosse Street, La Crosse, Wisconsin.
- (b) *Other Records.* In the event the City creates a record not contemplated by the Records Schedule, the City may, subject to the Records Board's prior approval, either adopt an applicable records retention schedule set forth by the Records Board, if available, or create its own retention schedule pertaining to the record.
- (c) *Authority.* The City of La Crosse has the specific authority under s. 19.21(4) and 60.83, Wis. Stats., to manage and destroy obsolete public records in the possession of the City. This section shall not be construed to authorize the destruction of any public record in advance of the retention period prescribed by statute, state administrative regulations and the WMRS.
- (d) *La Crosse Public Library Archives Notification.* As the official repository of historical City of La Crosse records and as a unit of municipal government, the City must notify the

La Crosse Public Library Archives (hereinafter "LPLA") first of the intent to destroy any of its public records. The LPLA will have first right of refusal and has thirty (30) days' notice to decide to transfer custodianship of said records to the LPLA or to waive its rights. Should at some future time the LPLA decides to deaccession any City of La Crosse records, it shall follow the same steps outlined in this ordinance.

- (e) *Wisconsin Historical Society Notification.* Prior to the destruction of any public record described in Wis. Stats. Chapter 19.21(4)(a)(b) or (c), at least sixty (60) days' notice, in writing, shall be given to the Wisconsin Historical Society (hereinafter "WHS") unless the requirement is waived in the Records Schedule.
- (f) *Final Disposition.* For materials selected by the LPLA to maintain permanently, those materials will be under the custodianship of the LPLA.
- (g) *Repeal.* All ordinances, or portions thereof, and resolutions, or portions thereof, in conflict with any portion of the Records Schedule are hereby repealed. Any approved City retention schedule, or portion thereof, for any record not contemplated by the Records Schedule shall remain in full force and effect.

SECTION III: Section 2-241 is hereby amended to read as follows:

Any City officer, or the director of any department or division of City government, may, subject to the approval of the Mayor, keep and preserve public records in such officer or director's possession by means of microfilm, document imaging or other reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stat. § 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 division 2 of this article.

SECTION IV: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION V: This ordinance shall take effect and be in full force from and after its passage and publication.

_____/s/_____
Mitch Reynolds, Mayor

_____/s/_____
Nikki M. Elsen, City Clerk

Passed: 6/10/2021
Approved: 6/10/2021
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