

**CITY OF SHEBOYGAN
ORDINANCE 31-23-24**

BY ALDERPERSONS SALAZAR AND FELDE.

NOVEMBER 20, 2023.

AN ORDINANCE adopting new records retention schedules and making necessary amendments to the Sheboygan Municipal Code relating to the adoption.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

SECTION 1: **AMENDMENT** “Sec 2-800 Legal Custodian” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 2-800 Legal Custodian

- (a) Each elected official, ~~and the~~ city administrator, and the director of each department are the legal custodians of their records and the records of that office, but ~~the such~~ officials may designate an employee of the official's staff to act as the legal custodian.
- (b) Unless otherwise prohibited by law, the city clerk shall act as legal custodian for the common council and for, ~~the chairmen of~~ any committees, commissions, boards or other authorities created by ordinance or resolution of the common council, ~~shall act as legal custodian therefor.~~
- (c) For every authority not specified or covered in subsection (a) or (b) of this section, the city administrator is the legal custodian for the authority, but the ~~officer~~ city administrator may designate an employee of the ~~officer's~~ authority's staff to act as the legal custodian.
- (d) Each legal custodian shall name a person to act as legal custodian in the custodian's absence or the absence of the custodian's designee.
- (e) The legal custodian shall have full legal power, in consultation with the city attorney, to render decisions and to carry out the duties of an authority under subchapter II ~~II~~ of chapter 19 (Wis. Stats. § 19.21 et seq.) and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(Code 1975, § 32.5-3; Code 1997, § 2-838)

SECTION 2: AMENDMENT “Sec 2-804 General City Records Retention/Disposition Schedule” of the Sheboygan Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 2-804 General City Records Retention/Disposition Schedule

- (a) The purpose of this section is to establish a general city records retention/disposition schedule and authorize destruction of city records pursuant to the schedule. Records custodians may destroy a record prior to the time set forth in this schedule only if such record has been photographically reproduced as an original record or converted to optical disk or electronic format pursuant to Wis. Stats. § 16.61(7).
- (b) Where indicated in the records retention schedule, the state public records board has waived the required statutory 60-day notice for city records; therefore, for those records, notification to the state historical society is not required prior to destruction.
- (c) ~~The general city records retention/disposition schedule, as approved by the state public forms board on December 6, 2011, is hereby adopted, a copy of which is on file in the city clerk's office and made a part hereof by reference as though fully set forth herein.~~ The city hereby adopts the following records retention/disposition schedules, as approved by the state public record board on August 28, 2023:
 - (1) General Records Schedule - Administrative and Related Records (3/21/22);
 - (2) General Records Schedule - Facilities Management and Related Records (Rev. 6/13/22);
 - (3) General Records Schedule - Fiscal and Accounting and Related Records (Rev. 11/21/22);
 - (4) General Records Schedule - Fleet and Aircraft Management Records (5/12/14);
 - (5) General Records Schedule - Human Resources and Related Records (Rev. 11/21/22);
 - (6) General Records Schedule - Information Technology and Related Records (Rev. 11/16/15);
 - (7) General Records Schedule - Purchasing and Procurement and Related Records (Rev. 11/21/22);
 - (8) General Records Schedule - Risk Management and Related Records (Rev. 8/24/15);
 - (9) General Records Schedule - Wisconsin Municipal and Related Records (Rev. 6/15/23).

For records maintained by the city but not included in the above schedules, the city adopts the functional records retention/disposition authorization approved by the state public record board on August 28, 2023, a copy of which is on file in the city clerk's office and made a part hereof by reference as though fully set forth herein.
- (d) Destruction of records pursuant to the approved retention/disposition schedules is

contingent upon the restrictions to record destruction contained in Wis. Stats. § 19.35(5); (Open Records Law); and that no records shall be destroyed if litigation or audit involving those records has commenced.

(Code 1975, § 32.5-7; Code 1997, § 2-842; Ord. No. 17-01-02, §§ 1, 2, 7-16-2001)

SECTION 3: **AMENDMENT** “Sec 2-805 Preservation Through Microfilm” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 2-805 Preservation Through Microfilm

Any city officer or the director of any department or division of city government may, subject to the approval of the common council, keep and preserve public records in their possession by means of microfilm, or a copy generated from an original record stored in optical disc or electronic format. ~~or other photographic reproduction method.~~ Such records shall meet the standards for ~~photographic~~ reproduction set forth in Wis. Stats. § 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 sections 2-801 through 2-803.

(Code 1975, § 32.5-8; Code 1997, § 2-843)

SECTION 4: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 5: **EFFECTIVE DATE** This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

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Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan