

## ORDINANCE

**AN ORDINANCE** to repeal and recreate Municipal Code Section 2-7-10, Destruction and preservation of public records to adopt the Wisconsin Public Records Board's General Records Schedule.

The Council of the City of Two Rivers ordains as follows:

**SECTION 1.** That Section 2-7-10 of the Municipal Code shall hereby be repealed and recreated as follows:

A. Purpose; authority.

- (1) The purpose of this section is to provide City of Two Rivers officers and employees with the authority to destroy certain obsolete public records retained and in the possession of the City of Two Rivers in conformance with the Wisconsin Municipal Records Schedule, approved on August 27, 2018, by the State of Wisconsin Public Records Board, and which will expire on August 27, 2028.
- (2) In instances when a municipal record is not addressed in the Wisconsin Municipal Records Schedule, the City may destroy certain obsolete municipal records in conformance with the Wisconsin Public Records Board's General Records Schedules.
- (3) This section establishes the duties and provides the authority of City officers and employees to administer, manage and destroy obsolete public records, including electronic records, in the possession of the City of Two Rivers, pursuant to and in conformance with the Wisconsin Municipal Records Schedule and the State of Wisconsin's General Records Schedules.

B. Statutory authority. The City has authority under § 19.21, Wis. Stats., to manage and destroy obsolete public records in the possession of the City.

C. Adoption of records schedules. The Wisconsin Municipal Records Schedule and the state General Records Schedules, both promulgated by the State of Wisconsin Public Records Board, are hereby adopted by reference and made part of this Code of Ordinances as if fully set forth herein. Acts required or authorized to be performed or prohibited by such schedules are required, authorized or prohibited by this section. Any future amendments, revisions or modifications of such schedules incorporated herein by reference are intended to be made a part of this Code of Ordinances.

D. Financial and other municipal records. Pursuant to § 19.21(5), Wis. Stats., City officers and employees may destroy financial and other municipal records for which they are the legal custodians and which are considered obsolete as provided in the Wisconsin Municipal Records Schedule and the State of Wisconsin's General Records Schedules and their successor schedules. Records maintained and subject to retention and destruction requirements include, but are not limited to, records of City appointed and elected officials; staff and employees; municipal departments; commissions and committees; and contractors doing business with the City. These records include, but are not limited to, those which are developed and/or submitted to the City, or in the possession of the City, involving municipal management and administration; general municipal actions and functions; elections; fiscal affairs and revenue; public and protective services; public works; licensing; community development and land use; and any records of elected and appointed officials, staff, municipal bodies, commissions and departments which may be created by the City in the future.

E. Digital or electronic records. Pursuant to § 19.21(c), Wis. Stats., records and documents of the City of Two Rivers which have been transferred entirely or created to digital, optically scanned, electronic or other approved alternate format shall be considered original records subject to all state and local retention and destruction requirements. Electronic and digital records, including emails, are considered to be public records.

F. Limitations. This section shall not be interpreted or construed to authorize the destruction of any

municipal record in advance of the pertinent retention period prescribed by the Wisconsin Statutes, Wisconsin Administrative Code, Wisconsin Municipal Records Schedule and Wisconsin's General Records Schedules.

G. Notification to Wisconsin Historical Society. Prior to the destruction of any public record as described in § 19.21(4)(a) to (c), Wis. Stats., the City shall give written notice to the Wisconsin Historical Society 60 days prior to such destruction unless this requirement is waived in the Wisconsin Municipal Records Schedule.

Dated this 20<sup>th</sup> day of June, 2022.

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Adam Wachowski  
President, City Council

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Gregory E. Buckley  
City Manager

Attest:

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Jamie Jackson  
City Clerk

Approved as to form and legality:

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John M. Bruce  
City Attorney