

VILLAGE OF WINDSOR
ORDINANCE 2016-05

AN ORDINANCE CREATING SECTION 2-309 OF THE CODE OF ORDINANCES
RELATING TO ELECTRONIC PRESERVATION OF RECORDS

THE VILLAGE BOARD OF THE VILLAGE OF WINDSOR, LOCATED IN DANE
COUNTY, WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:

1. Section 2-309 of the Village of Windsor Code of Ordinances is created to provide as follows:

Sec. 2-309 Preservation of records through microfilm or other electronic means.

Any custodian of records may keep and preserve public records by means of microfilm or another reproductive device, optical imaging or electronic formatting. Such records shall meet the standards for reproduction set forth in Wis. Stats. §§ 16.61(7) and 16.612, and shall be considered original records for all purposes.

2. This ordinance shall be effective upon passage and posting as provided by law.

The above and foregoing Ordinance was adopted at a duly noticed meeting of the Village Board of the Village of Windsor held on the 18 day of February, 2016, by a vote of 4 in favor and 0 opposed.

VILLAGE OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, Village President

Donald G. Madelung
Donald G. Madelung, Trustee

Bruce Stravinski
Bruce Stravinski, Trustee

Excused Absence
Alan Buchner, Trustee

Monica M. Smith
Monica M. Smith, Trustee

Attested by:
Tina Butteris
Tina Butteris, Deputy Village Clerk

Posted: 2/19/2016

Effective: 2/26/2016

Supplemental
Information



Memorandum

To Connie Anderson, Village Attorney

From Matthew P. Dregne, Village Prosecutor
Kyle W. Engelke, Village Prosecutor

Date February 3, 2016

Re Ordinance Regarding Electronic Preservation of Public Records
Stafford Rosenbaum LLP File Retention and Destruction Policies

INTRODUCTION

We have prepared the enclosed ordinance authorizing the electronic preservation of public records. Stafford Rosenbaum is transitioning to a paperless office. We request that the Village Board adopt the enclosed ordinance so that we may preserve any public records in our possession in electronic format. The enclosed ordinance will also authorize the Village of Windsor to maintain public records in electronic format. Please note that we are not charging you for any of our work on this project.

We also write to inform you of Stafford Rosenbaum LLP's policies regarding file retention and destruction. At the conclusion of each matter, we will retain the file in electronic format in accordance with the retention schedule described below. Files will be destroyed at the conclusion of the applicable retention period without additional notice to the Village. Please contact us at any time before the retention period expires if you would like us to provide the file to you before it is destroyed.

DISCUSSION

1. *Stafford Rosenbaum File Retention and Destruction Periods.*

We have adopted a retention schedule for closed municipal files. Retention periods are based upon the type of matter. For example, "general municipal" files have a 7 year retention period, and "land use" files have a 30 year retention period. The retention schedule is as follows:

Municipal Law Matter Type	File Retention Period (Years)
Municipal General	7
Municipal Contracts	20
Municipal Land Use	30
Municipal Eminent Domain	30
Municipal Prosecution	7
Municipal Employment	7
Municipal Labor	10
Municipal Property Tax	7
Municipal Litigation	7
Municipal Utility	7
Municipal Environmental	7
Municipal Superfund Sites	Determined on a Case-by-Case Basis (7 minimum)

2. *Electronic Retention of Public Records.*

Wis. Stat. § 19.21(4)(c) authorizes municipalities to preserve public records in an electronic format. The municipality must pass an ordinance or resolution authorizing the electronic retention of public records. The electronic record must meet the standards in Wis. Stat. §§ 16.61(7) and 16.612 to be considered an original record. A discussion of these standards follows.

WHEN IS AN ELECTRONIC RECORD DEEMED AN ORIGINAL RECORD?

Any microfilm reproduction of an original record, or a copy generated from an original record stored in optical disk or electronic format, is an original public record if all of the following conditions are met:

1. The record accurately reproduces the original's content.
2. The record complies with the minimum standards of quality under Wis. Admin. Code § Adm 12.05. We address this further below.
3. The film is processed and developed under the minimum standards established in Wis. Admin. Code § Adm 12.05. We address this further below.
4. The record is arranged, identified and indexed so that any individual document or component of the record can be located.
5. The custodian of the record executes a statement of intent and purpose describing the record to be reproduced or transferred to optical disk or electronic format, the disposition of the original record, the enabling ordinance or resolution for cities, towns, or villages, and executes a certificate verifying that the record was received or created and microfilmed or transferred to optical disk or electronic format in the normal course of business, and that the statement of intent and purpose is properly recorded as directed by the board.

Wis. Stat. § 16.61(7)(a)1-5. Please note that we have not been able to determine whether it is necessary to comply with Wis. Stat. § 16.61(7)(a)1-5 to satisfy record *retention* requirements, or whether compliance is necessary only for records to be deemed "*original*" records. This is an issue we are attempting to address with the Public Records Board.

Wis. Admin. Code §§ Adm 12.01-12.05 contain further rules developed by the Department of Administration governing electronic record preservation. Wis. Stat. § 16.612. These rules direct municipalities to:

- maintain electronic public records that are accessible, accurate, authentic, reliable, legible, and readable throughout the record life cycle.
- document policies, assign responsibilities, and develop appropriate formal mechanisms for creating and maintaining electronic public records throughout the record life cycle.

- maintain confidentiality or restricted access to records or records series maintained in electronic format, limiting access to those persons authorized by law, administrative rule, or established municipal policy.
- utilize information systems that accurately reproduce the records they create and maintain.
- describe and document public records created by information systems.
- document authorization for the creation and modification of electronic public records and, where required, ensure that only authorized persons create or modify the records.
- design and maintain new information systems so that these systems can provide an official record copy for those business functions accomplished by the system.
- develop and maintain information systems that maintain accurate linkages, electronically or by other means, to transactions supporting the records created where these linkages are essential to the meaning of the record.
- utilize information systems that produce records that continue to reflect their meaning throughout the record life cycle.
- utilize information systems that can delete or purge electronic records created in accordance with the approved retention schedule.
- utilize information systems that can export records that require retention to other systems without loss of meaning.
- utilize information systems that can output record content, structure and context.
- utilize information systems that allow records to be masked to exclude confidential or exempt information.

Wis. Admin. Code § Adm 12.05(1)-(13).

CONCLUSION

We hope that the enclosed ordinance and this memorandum are helpful to you. Please let us know if the enclosed ordinance is or is not adopted. If the enclosed ordinance is adopted, please send us a copy at your convenience. Please also let us know if you have any questions or concerns regarding the matters discussed in this memorandum.

Enclosure