

**PUBLIC RECORDS
WISCONSIN STATUTES
§§ 19.31- 19.39**

County Supervisors are public officials required to maintain and keep public records associated with their duties. Those records include material that created by yourself or is being kept by yourself and includes material you receive in the course of your duties. Records consist of handwritten, typed and printed pages, maps, charts, photographs, films, recordings, tapes, including computer tapes, computer printouts, optical disks and e-mails.

It is not a record if it is a draft, note, preliminary computation or materials prepared for the supervisor's personal use or materials which are purely the personal property of the supervisor and have no relation to the supervisor's office. Additionally, information that is otherwise confidential or proprietary is not considered a public record and access to such a record may be denied.

A request for these records may be made by the public. The supervisor has an obligation to respond to those requests. A record may be a public record but that does not mean that it is an open record for inspection purposes. There are confidentiality that apply to some records and if the harm to the public or certain members of the public is outweighed by the benefit to the public by the release of the record, access to that record may be denied.

In general a supervisor must retain most records for seven years. Correspondence should be retained for three years.

**FOR DETAILED INFORMATION
ON THESE SUBJECTS - go to**

www.doj.state.wi.us

**home page and click on
"more information on
open meetings and public
records laws"**

**OPEN MEETINGS
WISCONSIN STATUTES
§§ 19.81 - 19.98**

State law requires that whenever governmental business is discussed such discussion and action is to be at an open meeting. That requirement applies to the Ozaukee County Board and its committees.

A convening of members of the board or a committee to exercise the responsibilities, authority or duties vested in that body is a meeting. If one-half or more of the members of that body are present, the meeting is presumed to be for exercising the responsibilities of that committee and is considered a meeting for which it is necessary to notify the public to allow the public to attend that meeting.

A meeting does not occur when a majority of members of a committee or board are present for a "social, chance gathering, or conference" which was not held to avoid the open meeting requirements.

A meeting can occur when less than half the members of a governmental body are present to discuss government business if the number of members present are sufficient to block action on a matter before their body. That meeting is a "negative quorum" and constitutes a meeting if the vote on an issue requires a super majority such as a 2/3 or 3/4 vote. In those situations 1/4 or 1/3 of the members could decide the result. If that percentage of supervisors meet to discuss governmental business that is a meeting that must be noticed and open to the public.

All meetings must be noticed to the public. That means at least 24 hours prior notice. Not all meetings are open, by law you are allowed to hold closed meetings for some purposes including discipline, financial considerations, bargaining, conferring with legal counsel, etcetera. Those exceptions to the open meeting law must also be noticed to the public as a closed meeting.

A meeting occurs when members of a board or committee are physically present so as to exchange communications with each other in a particular location. A meeting also occurs when members are having a conference call by phone, that type of meeting must be appropriately noticed and accessible to the public. A meeting is also held when enough members communicate by e-mail if that e-mail is instantaneous, such as a chat room or immediate interactive communication. Normal use of e-mail is not a meeting. If multiple board members so as to constitute a quorum or negative quorum are using what are called "chat rooms" or "instant messaging" where the communication is virtually simultaneous that is the same as a face-to-face meeting or a telephone conference call and would be a meeting requiring public notice and open session. A rule of thumb is an interval of at least four hours between the sending and returning of the e-mail message so as to avoid the open meeting definition. E-mail used as a functional equivalent of a letter by mail, courier or facsimile does not constitute a meeting because communication is not simultaneous in nature, it is instead a form of written communication.

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Questions regarding open meetings and record retention can be directed to the Corporation Counsel's office. However, enforcement and interpretation of the law lies with the District Attorney and Attorney General's office.

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