



Legislation Text

File #: 34512, Version: 1

Fiscal Note

No appropriation is required.

Title

Amending Section 3.70(8) of the Madison General Ordinances to update the City's record retention practices.

Body

DRAFTER'S ANALYSIS: This ordinance amendment would conform the ordinances to the actual practice that has developed regarding records retention schedules. The State has taken a more positive leadership role in this area and thus the reference to the State Public Records Board Statutes. Additionally, it no longer makes sense to have two records schedules, one for records before 2008 and one for those after the enactment of our ordinance.

The Common Council of the City of Madison do hereby ordain as follows:

Subsection (8) entitled "Retention Schedules" of Section 3.70 entitled "Public Records" of the Madison General Ordinances is amended to read as follows:

"(8) Retention Schedules. The City, in accordance with Wis. Stat. §§ 19.21(4)(b) and 16.61(3)(e), adopts the following records retention schedules:

- (a) ~~Retention Schedule For Records Created Prior to January 1, 2008. All records created or maintained prior to January 1, 2008 shall continue to be preserved in accordance with the records retention schedules existing at the time the records were created.~~
- (ba) Retention Schedule For Records Created January 1, 2008 and thereafter. For all records created January 1, 2008 and thereafter, tThe Information Technology Director, in consultation with the City Attorney, shall develop and maintain the City of Madison's Records Retention Schedule in accordance with the provisions of Wis. Stats. §§ 16.61(3)(e) and 19.21(4) and such records shall be maintained in accordance with the provisions of that schedule. Such schedule must be approved by the Wisconsin Public Records Board and published by the Mayor in an Administrative Procedure Memorandum that also contains any other relevant conditions for the maintenance, storage or disposition of City records. In the event that such a records retention schedule is not published by the Mayor as approved by the Wisconsin Public Records Board, all previously adopted City records retention schedules shall remain in full force and effect until such time as a records retention schedule is adopted in accordance with this subsection Information Technology Director.
- (eb) Records that are Evidence. No record may be destroyed that has been identified as, or that may have value as, evidence in any civil or criminal legal proceeding, labor arbitration or disciplinary action. No record may be destroyed at any time within sixty (60) days of the denial of a request to review the record or any part thereof.
- (dc) Compliance with Federal or Other Retention Requirements. Notwithstanding the City of Madison Records Retention Schedule set forth in sub. (8)(a) above, custodians may not destroy any record where any contract, grant, funding conditions, state or federal statute require that such records be maintained for a longer period of time.
- (ed) Offer of Records to State Historical Society Before Destruction. The City is required to offer all obsolete records to the State Historical Society in accordance with Wis. Stat. § 19.21(4)(a), prior to destruction of those records. The Information Technology Director or any Department/Division Head, may apply to the State Historical Society for a waiver of this requirement as to certain categories of records under such person's authority that they reasonably believe have little or no significant historical value."

