

CHAPTER 16

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SUBCHAPTER I RECORDS CONTROL ORDINANCE

16.01 TITLE. Sections 16.02 through 16.60 of this chapter are to be considered subchapter 1 and may be cited as the records control ordinance.

[History: am., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

16.02 AUTHORITY. Subchapter 1 is enacted under the authority of section 9.21(6), Wis. Stats., as amended by chapter 35, Laws of 1979.

[History: am., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

16.03 PURPOSE. It is the purpose of subchapter 1 of this ordinance to develop an orderly and efficient method for the management, maintenance, and destruction of records kept by the various county departments and offices in order to make more effective use of personnel and space.

[History: am., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

16.04 DEFINITIONS. As used in subchapter 1 of this chapter the following words have the meanings indicated:

(1) *Committee* shall mean the finance committee unless the context clearly indicates otherwise.

(2) *Officer* shall mean the records control officer.

(3) *Department* shall mean the department of administration.

(4) *Authority* shall mean any office, elected official, agency, board, commission, committee, council, or department of county government, whether created by constitution, law, ordinance, rule or order. In addition, *authority* shall also include any nonprofit corporation which receives more than 50% of its funding from Dane County and which provides services related to public health or safety to the county. In addition, *authority* includes any formally constituted subunit of any of the foregoing.

(5) *Record* shall mean any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. *Record* includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. *Record* does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

[**History:** (4) and (5) cr., OA 15, 1982-83, adopted 02/17/83; (1) am., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

16.05 ADMINISTRATION.

(1) The department shall exercise day to day administration of matters covered by subchapter 1.

(2) The committee shall act as the policy oversight body with respect to the administration of subchapter 1.

(3) In cooperation with the various county departments involved, the department may develop for committee review and approval a schedule for the destruction of various county records. Any such schedule shall be subject to state statutes and shall conform to the provisions of this chapter.

[**History:** (3) cr., OA 2, 1985-86, adopted 06/06/85; (1) and (2) am., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

16.06 RECORDS CONTROL OFFICER. The director of the department, with the written approval of the committee as reflected in its minutes, shall appoint a member of his or her staff to be the records control officer.

16.07 REPORTS OF OFFICER. The officer shall monthly, or on any other regular basis decided upon by the committee, make written reports of his or her activities under this ordinance to the committee. Upon its review of such reports, the committee may

advise the officer or enact policy consistent with the purposes and intent of this ordinance. Any policies adopted by the committee pursuant to this section shall be in writing and reflected in the minutes of the committee.

16.08 ACCESS TO PUBLIC RECORDS.

(1) The records of Dane County may be inspected, copied, photographed by any person, with proper care, during regular business hours, under such reasonable regulations as the custodian of the record prescribes and at all times subject to the provisions of s. 19.35, Wis. Stats.

(2) Requests for inspection of any public record can be denied only on the basis of a written statement clearly articulating the reasons why disclosure is contrary to the public interest, citing a specific subsection of s. 19.85, Wis. Stats.

(3) If a request for inspection is made electronically, the county may respond to the request with electronic documents where appropriate.

[History: 16.08 cr., OA 15, 1982-83, adopted 02/17/83; (3) cr., OA 18, 2009-10, pub. 10/27/09.]

16.081 PROCEDURE FOR ACCESS.

(1) Each authority shall adopt, prominently display, and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. The notice shall include the e-mail address of or website at which the legal custodian will accept electronic requests. For purposes of this section, the county's Dane County Board Office is the office of the individual members of the Dane County Board of Supervisors.

(2) Each authority which maintains regular office hours at the location where records in the custody of the authority are kept shall permit access to the records of the authority at all times during those office hours, unless otherwise specifically authorized by law.

(3) Each authority which does not maintain regular office hours at the location where records in the custody of the authority are kept shall:

(a) Permit access to its records upon at least 48 hours' written or oral notice of intent to inspect or copy a record; or

(b) Establish a period of at least two consecutive hours per week during which access to the records of the authority is permitted. In such case, the authority may require 24 hours' advance written or oral notice of intent to inspect or copy a record.

(4) An authority imposing an advance notice requirement under subsection (3)(b) shall include a statement of the requirement in its notice under subsection (1), if the authority is required to adopt a notice under subsection (1).

(5) If a record of an authority is occasionally taken to a location other than the location where records of the authority are regularly kept, and the record may be inspected at the place at which records of the authority are regularly kept upon one business day's-notice, the authority or legal custodian of the record need not provide access to the record at the occasional location.

(6) A request is deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request.

(7) A request may be made by written letter or electronically. A request may be made orally but a request must be in writing before an action to enforce the request is commenced under s. 19.37, Wis. Stats.

(8) No request for a record inspection or copying of a record may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail unless prepayment of a fee is required under the statutes. A person requesting access to a public record may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

(9) A legal custodian may impose reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(10) If the custodian determines that a record described in a request is exempt from public access, the custodian shall state this determination in a letter to the county executive, the corporation counsel and the requestor, as soon as practicable after receiving the request, citing the reason in state law, federal law or county ordinance which exempts the requested material from disclosure.

(11) If a request is made orally, the authority may deny the request orally, unless a demand for a written statement of the reasons denying the request is made by the requestor within five business days of the oral denial. Every written denial of a request by an authority shall inform the requestor that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under s. 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

(12) Only legal custodians or their designees may approve or disapprove access to public records.

[History: 16.081 cr., OA 15, 1982-83, adopted 02/17/83; (1) and (6) am., (7) thru (11) renum. respectively as (8) thru (12) and a new (7) cr., OA 18, 2009-10, pub. 10/27/09.]

16.082 LIMITATIONS UPON ACCESS AND WITHHOLDING.

(1) Any record which is specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law is exempt from disclosure under this ordinance, except that any portion of that record which contains public information is open to public inspection as provided in section 19.36(6), Wis. Stats.

(2) Except as otherwise provided by law, whenever federal or state law or regulations require or as a condition to receipt of aids by the county require that any record relating to investigative information obtained for law enforcement purposes be withheld from public access then that information is exempt from disclosure under this ordinance.

(3) Each authority shall make available for inspection and copying under this ordinance, any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.

(4) A computer program as defined in s. 16.97(4)(c), is not subject to examination or copying under this ordinance, but the material used as input for a computer program or the material produced as a product of the computer program is subject to the right of examination and copying, except as otherwise provided in s. 19.35, Wis. Stats., or this section.

(5) An authority may withhold access to any record or portion of a record containing information qualifying as a common law trade secret.

(6) If a record contains information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release.

(7)(a) For purposes of this subsection, the term “confidential information” means any information obtained and maintained by the County relating to an individual’s sexual orientation, status as a victim of domestic violence, status as a victim of sexual assault, status as a crime witness, receipt of public assistance, or immigration status.

(b) Except as provided in sub (c), County employees shall consult with the Corporation Counsel office before disclosing any personally identifiable confidential information, including immigration status of any person, to any outside agency or entity.

(c) The provisions of sub (b) shall not apply to the following:

1. Disclosure by employees of the District Attorney’s Office, Sheriff’s Office, or the Clerk of Courts in the performance of their duties.

2. The person to whom the confidential information pertains has authorized the disclosure in writing.

(d) Nothing in this subsection shall be construed as altering the county’s duty to comply with the Wisconsin Public Records Law.

[History: 16.082 cr., OA 15, 1982-83, adopted 02/17/83; (7) cr., Sub. 2 to 2016 OA-84 as amended, pub. 04/06/17.]

16.083 LEGAL CUSTODIANS.

(1) An elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

(2) The chairperson of a committee of elected officials, or the designee of the chairperson, is the legal custodian of the records of the committee.

(3) The co-chairpersons of a joint committee of elected officials, or the designee of the co-chairpersons, are the legal custodians of the records of the joint committee.

(4) The legal custodian for a department of county government is the department head or his or her designee.

(5) The county clerk is the legal custodian for the board and any committee, commissions, boards or authorities created by ordinance or resolution of the board.

(6) A nonprofit corporation which receives more than 50% of its funding from Dane County and which provides services related to public health or safety to the county shall designate a member of its staff as the legal custodian of its records and shall in all ways adhere to the provisions of this ordinance with respect to public records in its possession.

(7) Any legal custodian may designate in writing one or more positions occupied by an officer or employee of the authority or the unit of government of which it is a part as

a legal custodian to fulfill its duties under this chapter. The legal custodian is vested with full legal power to render decisions and carry out the duties of the authority under this chapter. Each authority shall provide the name of the legal custodian and a description of the nature of his or her duties under this chapter to all employees of the authority entrusted with records subject to the legal custodian's supervision. Each authority shall also designate one or more deputy legal custodians to act in the absence of the legal custodian.

(8) The designation of a legal custodian does not affect the powers and duties of an authority under this chapter.

[History: 16.083 cr., OA 15, 1982-83, adopted 02/17/83.]

[16.09-16.10 reserved.]

16.11 MICROFILMING AND ELECTRONIC STORAGE AUTHORIZED.

(1) Pursuant to the authority granted by sections 59.52(14) and 228.07, Wis. Stats., any department, office or agency of the county is authorized to microfilm or transfer to optical disk or electronic storage any and all records under the control of such department, agency or office. Any transfer of records to optical disk or electronic storage shall comply with the conditions set forth in section 59.52(14)(b), Wis. Stats.

(2) Departments, offices and agencies desiring to transfer and store records under this section shall first determine the cost effectiveness thereof, in writing, and secure the approval of the officer in advance.

(3) The officer shall authorize transfer and storage in those instances where he or she finds that the best interests of the county will be served. The officer may request the advice of the committee in deciding on any particular matter.

(4) To the extent permitted by law, original records shall be destroyed after transfer pursuant to this section.

[History: am., OA 35, 2007-08, pub. 11/28/07.]

[16.12-16.20 reserved.]

16.21 DESTRUCTION OF OBSOLETE RECORDS. Subject to compliance with the terms of this ordinance, destruction of obsolete county records is authorized.

16.22 PROCEDURE FOR DESTRUCTION OF RECORDS.

(1) Only department heads or elected officials may initiate a request for destruction of records under their control.

(2) All requests shall be in writing and shall be presented to the officer, on forms developed under section 16.24(1).

(3) Within ten (10) working days the officer shall investigate the request and make a decision thereon.

(4) If the request is approved, the officer shall make a written offer to the state historical society tendering such records to the society.

(5) If within sixty (60) days the society shall accept the records, the officer and the department head or elected official involved shall forthwith make arrangements to transfer

such records to the society. Extraordinary expenses associated with any such transfer shall be borne by the society.

(6) If at the end of sixty (60) days the society shall fail to act or shall indicate that it does not wish to accept records contemplated for destruction, the officer and the department head or elected official involved shall forthwith destroy the records.

16.23 REPETITIVE REQUESTS. Where the officer has once approved destruction of records of any particular type, subsequent records of the same type may be destroyed without prior approval of the officer.

16.24 CRITERIA FOR DESTRUCTION.

(1) Persons requesting the destruction of any record under this ordinance shall first complete a form indicating the reasons for requesting destruction. The form shall be approved by the committee and administered by the officer.

(2) Grounds for destroying any record or set of records shall include, but not be limited to, any of the following:

(a) lack of a business necessity to retain such records;

(b) non-usage of such records for a lengthy period of time;

(c) the fact that other records contain the substance of the records sought to be destroyed;

(d) when the records sought to be destroyed have been microfilmed under this ordinance;

(e) where the records are immaterial to the continued function of the office or department where kept;

(f) where the records sought to be destroyed are mere scrap sheets, work papers, fugitive papers or preliminary drafts; or

(g) where the record sought to be destroyed is one generated from a computer tape or other electronic medium where the tape or medium itself is retained.

(3) The committee may at any time adopt, as part of its minutes, additional criteria for the destruction of records provided such criteria are reasonably related to the purposes and intent of this ordinance.

16.25 SUBJECT TO STATUTORY REQUIREMENTS. Destruction of records under this ordinance is at all times subject to the specific requirements imposed by statute with respect to particular offices and particular records. Nothing herein shall be construed to supersede or supplant any requirement of state statutes.

16.26 DESTRUCTION OF PUBLIC SAFETY COMMUNICATIONS CENTER LOGGING TAPES.

(1) Notwithstanding any other provision of this chapter, the public safety communications center director is authorized to destroy the recorded conversations on all logging tapes as of a date not less than 120 days after recording.

(2) Authorization for reuse under this section does not apply to logging tapes which have been seized by a law enforcement agency or which a law enforcement agency, fire department or emergency medical services unit has requested be held by the public safety communications center, pending further action by the requesting entity.

(3) Any person may request a cassette copy of a specific portion of a 24-hour logging tape which is not otherwise precluded from public inspection, subject to the payment of fees required by law.

(4) Notwithstanding sub. (1), the director shall withhold, in 12-month increments, reuse of a 24-hour logging tape upon the request of any person who pays, in advance of the expiration of the 120-day retention period, a tape storage charge of \$80 per year or any part of a year. It is the responsibility of a requesting party to ensure that the county receives timely payment. Failure to receive timely payment shall release the county's obligation to continue withholding the tape from further use.

[History: cr., Sub. 1 to OA 32, 1994-95, pub. 03/02/95.]

[16.27-16.30 reserved.]

16.31 STANDARDIZATION OF PAPER SIZE. Wherever practicable, forms and other documents shall not exceed 8-1/2 by 11 inches. The officer shall be responsible for determining an acceptable size for documents and records which cannot economically and efficiently accommodate the standard size.

[16.32-16.40 reserved.]

16.41 FEES FOR COPIES.

(1) Wherever no fee for photocopies of records is set by statute, the fee shall be 25 cents per page for single-sided copies and 40 cents per page for double-sided copies.

(3) Paper copies of microfiche or other photographic records shall be at the rate of 50 cents per single-sided copy, except that photographs from the sheriff's department shall be at the rate of \$2.00 for each 4 x 5 color photograph, \$3.00 for each 5 x 7 color photograph, \$5.00 for each 8 x 10 color photograph, and \$25 for each 16 x 20 color photograph, plus tax.

(4) Microfiche copies of existing microfiche records shall be at the rate of \$2.15 per copy except that in the case of a regular purchaser of such copies, the finance committee is authorized to execute an agreement with such a purchaser authorizing terms which will provide for an adequate recovery of actual, necessary and direct costs of providing copies.

(5) Copies of documents, other than those described above, shall be at a cost sufficient to recover the actual costs of the county in providing such copies.

(6) Persons requesting the mailing of copies shall be responsible for the actual, necessary and direct costs of mailing.

[History: (2) and (4) am., (5) renum. as (6) and, as renum., am., and new (5) cr., OA 15, 1982-83, adopted 02/17/83; (2) rep., OA 22, 1987-88, pub. 09/14/87; (1) am., OA 11, 2003-04, pub. 09/03/03; (3) am., OA 35, 2007-08, pub. 11/28/07.]

16.42 SEARCHES.

(1) Where a search or other time-consuming effort is expended in order to retrieve or produce copies for the benefit of any person, the actual, necessary and direct costs of such search or other efforts shall be borne by the requesting party. Where such search

or effort is necessitated by failure to maintain proper control of records by the custodian thereof, the fee shall be waived by the officer.

(2) Notwithstanding the language of sub. (1), no fee for a search shall be charged unless the costs of the search exceed \$50 or unless a fee is otherwise expressly authorized by statute.

[History: 16.42 renum. as (1) and, as renum., am., and (2) cr., OA 15, 1982-83, adopted 02/17/83.]

16.43 PAYMENT OF FEES. Where the total fee for copies provided under this ordinance exceeds \$5.00, the fee shall be paid in advance. Notwithstanding any language to the contrary, the committee is authorized to enter into agreements with regular users under which payment shall be made not later than sixty days after the service is provided. No such agreement shall be entered into unless the committee determines that the party requesting such an agreement has an acceptable credit history and is likely to meet its obligations under such an agreement.

[History: 16.43 am., OA 15, 1982-83, adopted 02/17/83.]

16.44 NO EFFECT UPON CONTRACTUAL OBLIGATIONS. The fees set forth in this ordinance shall not be interpreted to impose any greater fee or authorize any lesser fee upon or for persons holding contracts with Dane County.

16.45 INTERDEPARTMENTAL CHARGES. Departments of county government which routinely provide copies for other county departments are hereby authorized to document costs, at the fee set forth in this chapter, and to make memo charges for such services. Memo charges are a bookkeeping function only and departments furnishing such interdepartmental services are not authorized to collect actual fees therefor.

16.46 AMENDMENTS TO FEE STRUCTURE.

(1) The officer shall annually review, in the month of August of each year, the fee structure set forth in s. 16.41. If the officer determines that the then existing fees are insufficient to recover the actual, necessary and direct costs of producing copies, he or she shall make recommendations for changes to the committee.

(2) Upon receipt of the officer's annual report, the committee shall determine the necessity for changes in the fees set forth in section 16.41 and, in the event that the committee determines that changes are necessary, such changes shall be set forth in the minutes of the committee and distributed to all affected county departments.

(3) It shall be the policy of the committee and the officer in determining the appropriateness of fees to set fees at the lowest level consistent with recovery of actual, necessary and direct costs associated with producing copies.

[History: (1) and (3) am., OA 15, 1982-83, adopted 02/17/83.]

16.47 REGISTER OF DEEDS; FEES. Pursuant to section 59.43(2)(a)2., Wis. Stats., the register of deeds is hereby authorized to charge a \$2.00 fee in those situations where documents submitted for recording do not contain sufficient blank space for placement of recording data.

[History: am., OA 6, 1990-91, pub. 06/21/90; (2) rep. and (1) am. and renum. as 16.47, OA 34, 1996-97, pub. 12/31/96; am., OA 52, 1996-97, pub. 06/17/97.]

16.48 FEES FOR CERTIFICATION. Except where a different fee is imposed by statute, there shall be a fee of One Dollar (\$1.00) for each document certified by a county official.

[History: cr., OA 6, 1985-86, adopted 09/19/85; renum., OA 20, 1985-86, adopted 02/06/86.]

16.49 SURVEYOR; FEES FOR CERTAIN DOCUMENTS.

(1) Pursuant to section 59.45(1), Wis. Stats., the county surveyor is hereby authorized to charge fees for copies of documents and maps in amounts sufficient to recover the actual costs to the county in providing such copies to the public.

(2) The department of planning and development shall annually review, by the month of November in each year, the fee structure for documents and maps available through the office of the county surveyor. If the department determines that the then existing fees are insufficient to recover actual costs, the county surveyor may increase fees effective the following January 1 in amounts sufficient to recover actual costs.

(3) The county surveyor may set fees for documents and maps not previously available to the public as soon as such products become available.

(4) It shall be the policy of the county surveyor to set fees at the lowest level consistent with recovery of actual costs.

[History: cr., Sub. 1 to OA 7, 1986-87, adopted 11/26/86; (9) rep., OA 27, 1988-89, pub. 02/28/89; (1) through (8), (10) and (11) am., OA 18, 1990-91, pub. 11/30/90; rep. and recr., OA 27, 1997-98, pub. 04/21/98.]

[16.50 reserved.]

[History: cr., OA 22, 1987-88, pub. 09/14/87; (1) am., OA 34, 1996-97, pub. 12/31/96; am., OA 17, 2001-02, pub. 11/28/01; am., OA 23, 2003-04, pub. 12/03/03; eff. 01/01/04; 16.50 renum. as 62.80 and, as renum. am., OA 19, 2004-05, pub. 06/16/05.]

16.51 DOCUMENTS DEPOSITORY.

(1) The Madison Public Library, through the municipal reference service, is hereby designated as a depository and reference library for county documents hereinafter identified.

(2) The head of each county department and division and the chairperson of each board, commission and committee shall promptly send or deliver to the municipal reference service, as soon as printed or otherwise available, seven (7) copies of each annual report, special study, consultant report, newsletter, brochure or other document intended for public distribution.

(3) Reports deposited with the municipal reference service shall be preserved for the use of the county board, county officials and employees, and the general public.

(4) The head of any department or division or the chairperson of any board, commission or committee who concludes that compliance with the requirements of subchapter 1 will result in unnecessary expense to the county may request an exemption from the officer.

[History: (4) am., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

[16.52-16.60 reserved.]

SUBCHAPTER II OPEN MEETINGS ORDINANCE

16.61 TITLE. Sections 16.61 through 16.95 of this chapter are to be considered subchapter 2 and may be cited as the open meetings ordinance.

[History: renum. to s. 16.99, new 16.61 cr., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

16.62 PURPOSE. It is the purpose of subchapter 2 to ensure free and open public access to all county meetings and to provide for the efficient conduct of the county's business.

[History: cr., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

16.63 DEFINITIONS. As used in subchapter 2 the following words have the meanings indicated:

(1) *County meeting* is defined as an official meeting of a committee, subcommittee, commission, board, council, task force or other body whose members are appointed, nominated or approved by the county executive, the county board chair or any county board supervisor and whose purpose is to conduct the business of the county. A county meeting does not include meetings where over half the members are persons, other than county board supervisors, who are employed by the county.

(2) *Committee* is defined as any body constituted as described in sub (1).

[History: cr., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

16.64 OPEN MEETINGS.

(1) All county meetings shall be open to the public and conducted in strict accord with chapter 19 of the Wisconsin Statutes.

(2) County meetings shall be held in public buildings or other places accessible to the handicapped as well as to the general public.

[History: cr., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

16.65 NOTICE OF MEETING.

(1) A copy of the agenda, including the time and place, of all county meetings and of the matters to be discussed, shall be given to the county clerk for posting on the bulletin board in or near his or her office and such other place(s) in the courthouse which provide prompt and sufficient notice to the public as soon as possible after scheduling but no less

than three (3) days prior to the meeting. The county clerk shall accept for posting, and shall post on the public meeting posting board, all notices of county meetings submitted to the clerk.

(2) The county clerk shall designate a bulletin board as the public meeting posting board. The board shall be located on the first floor of the city-county building and shall be accessible to all members of the public at all times while the city-county building is open to the public. Notices of any other type whatsoever, other than notices of county meetings, shall not be posted on the public meeting posting board. Notices of county meetings may be posted in places in addition to the public meeting posting board.

(3) Notice of county meetings shall be given to the official county newspaper and other members of the news media as requested.

(4) County board resolutions and ordinances reviewed at a county meeting shall be placed on an agenda by including a clear reference to the ordinance amendment's or resolution's title and number.

(5) There can be no action taken on an item at a county meeting unless the item has been noted on the agenda as specified in subsection (1) hereof (three-day notice) unless:

(a) A delay to comply with the provisions of subsection (1) hereof would result in needless expense to Dane County, would endanger health or safety, or would render any action taken at the county meeting meaningless, and

(b) There can be demonstrated a good faith effort to provide as much notice as possible to the public and the news media of the consideration of the item to be added to the agenda, and

(c) The special consideration is not an attempt to avoid the provisions of this subchapter, and

(d) Notice of the special consideration has been posted with the committee agenda for at least two hours as required by s. 19.84(2), Wis. Stats.

(6) Use of the listing "Such other business as allowed by law", or similar language, shall not be used to avoid the procedures set forth in sub. (5).

(7) The minutes of any meeting during which an item receives such special consideration shall indicate that the consideration was an addition to the posted agenda and that the minimum posting requirements have been met.

(8) The procedures in this subsection shall apply to meetings called under emergency situations insofar as practicable. In no case may an emergency meeting be held without at least a two-hour notification and an attempt to inform the news media of the time, place and subject matter to be considered.

[History: cr., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

16.66 CLOSED MEETINGS. When closed or executive sessions are permitted by statute, the chairperson shall publicly announce the closed or executive session and explain briefly the reasons as authorized by statute. The announcement and reason shall be duly recorded in the minutes. All votes to go into closed session shall be roll call votes. Any case of doubt as to legality of the closed meeting shall be resolved in favor of an open meeting.

[History: cr., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

16.67 MINUTES OF MEETINGS.

- (1) Minutes shall be kept of all committee meetings and a copy filed with the county clerk within five days after the meeting.
- (2) The minutes shall include the following:
 - (a) Name of committee.
 - (b) Date, hour, location of meeting, and time of adjournment.
 - (c) Separate listings of all those present entitled to per diem and mileage and those present and not entitled to receive per diem or mileage.
 - (d) Each matter considered and the action taken.
 - (e) Persons appearing, other than committee members, the matter on which they appear, and the position taken.
 - (f) Any proposal voted on at a county meeting will contain immediately after its recommendation a statement of the numerical vote of the committee members. When a roll call is taken or when people wish to be recorded as voting "yes" or "no", names of committee members and their votes shall be recorded.
 - (g) Any reference to an ordinance amendment or resolution of the county board shall include the number of the resolution or ordinance amendment.

[History: cr., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

16.68 SMOKING. There shall be no smoking at county meetings.

[History: cr., Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

[16.69-16.98 reserved.]

16.99 EFFECTIVE DATE. This ordinance shall be effective upon passage and publication. Provisions of other ordinances inconsistent herewith are hereby repealed.

[History: renum. from s. 16.61, Sub. 1 to OA 54, 1987-88, pub. 05/26/88.]

[History: ch. 16, cr. OA 10, 1980-81, adopted 12/04/80.]

END OF CHAPTER