

**CITY OF PLYMOUTH**  
**Ordinance No. 18 of 2018**

**AN ORDINANCE AMENDING SECTION 3-3-3 OF THE CODE OF ORDINANCES,  
CITY OF PLYMOUTH, WISCONSIN RELATED TO LEGAL CUSTODIAN(S) OF RECORDS**

**WHEREAS**, Wisconsin's public records laws provide that all persons are entitled to information regarding the affairs of government and require the preservation and safekeeping of public records by the designated legal custodian; and

**WHEREAS**, pursuant to Wis. Stat. § 19.33(5), the Common Council may designate the legal custodian of public records in certain situations, including designations for authorities whose members are appointed by the Common Council; and

**WHEREAS**, the Common Council has reviewed Section 3-3-3 of the code of ordinances related to legal custodian(s) and has determined that the code should be updated.

**NOW, THEREFORE**, the Common Council of the City of Plymouth, Wisconsin, does hereby ordain as follows:

**Section 1. Amending Code.** Section 3-3-3 of the City of Plymouth Code of Ordinances related to the Legal Custodian(s) is hereby amended as follows (deletions shown by strikeout, additions shown by underscore):

**Sec. 3-3-3    LEGAL CUSTODIAN(S).**

- (a) Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate the City Clerk/Treasurer to act as the legal custodian.
  
- (b) ~~Unless provided in Subsection (c),~~ The City Clerk/Treasurer or the Clerk/Treasurer's designee shall act as legal custodian for general City records, for the Common Council and for any committees, commissions, boards or other authorities created by state statute or ordinance or resolution of the Common Council, except as otherwise provided in this section. The following offices or authorities shall have as a legal custodian of records the individual so named. All such records named herein shall be provided to the designated legal custodian.

Authority	Designated Legal Custodian
Assessment, Zoning and Building	City Assessor/Building Inspector Inspection/ <u>Zoning Administrator</u> Records
Fire Department	Fire Chief
Police Department	Chief of Police
Public Works (including cemetery)	Director of Public Works (and parks records)

Financial Records	City Clerk/Treasurer
City Attorney's Office	City Attorney
City Utilities	Utilities Manager

- (c) Notwithstanding subsection (b), the City Clerk/Treasurer shall be the legal custodian of all financial records for the authorities and the City Administrator/Utilities Manager or his/her designee shall be the legal custodian for all personnel records of the authorities. All such records shall be provided to the herein identified custodians.
- ~~(e)~~(d) For every office authority, or record type not specified in Subsections (a) and ~~(b)~~ through (c), if any, the authority's chief administrative officer is the legal custodian for the authority but the officer may designate an employee of his or her staff to act as the legal custodian.
- ~~(d)~~(e) Each legal custodian shall name a person to act as legal custodian in his or her absence or in the absence of his or her designee, and each legal custodian shall send notice of the designated deputy to the City Clerk/Treasurer.
- ~~(e)~~(f) The City Clerk/Treasurer shall establish criteria for establishing the records system and shall cause the department/office records system to be reviewed on an annual basis.

**Section 2. Severability.** Should any portion of this Ordinance or the affected Municipal Code Section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

**Section 3. Effective Date.** This Ordinance shall take effect the day after publication.

Enacted on November 27, 2018.

**CITY OF PLYMOUTH**  
**DONALD O. POHLMAN**, Mayor  
**PATRICIA HUBERTY**, Clerk