

**JOINT MEETING OF ADMINISTRATION COMMITTEE/LABOR RELATIONS &
EMPLOYEE SERVICES COMMITTEE
FEBRUARY 5, 2021
Minutes**

Committee members present: Chairman Dave Hintz, Alan VanRaalte, Ted Cushing (zoom), Bob Mott (zoom) and Billy Fried (zoom).

Call to order: Chairman Hintz called the meeting to order at 9:30 a.m. in the County Board Room of the Oneida County Courthouse. The meeting has been properly posted and mailed in accordance with the Wisconsin Open Meeting law and the facility is handicap accessible.

Approve agenda: Motion by VanRaalte/Cushing to approve today's agenda with the order of items at the Chair's discretion. All aye; motion carried.

Public comment: Greg Walker requested permission to speak throughout the meeting. Hintz granted Walker's request.

Wisconsin Public Records Compliance Guide - Public Records/Open Meetings (PROM) Help Line (608) 267-2220, Public Policy and Purpose (pg 1), Sources of Wisconsin Public Records Law (pg 2), Key Definitions (pg 2-10), Before any Request: Procedures for Authorities (pg 11-12), The Request (pg 12-15), The Response to the Request (pg 15-19), Analyzing the Request (pg 20-50), Limited Duty to Notify Persons Named in Records Identified for Release (pg 50-58), Electronic Records (pg 59-66), Inspection, Copies and Fees (pg 67-68), Right to Challenge Accuracy of a Record (pg 70), Enforcement and Penalties (pg 71-74) – Hintz gave an overview of the Wisconsin Public Records Compliance Guide and what is included in the guide.

Open Records Resolution - Repeal of existing ordinance, Follow state law, Records retention - Hintz stated that at the last meeting the discussion centered around three different approaches to the current public records ordinance - 1. Rewrite the ordinance, 2. Use an ordinance from another county, 3. Use state statutes as the guidance. Hintz stated that Brian Desmond amended the ordinance and asked Desmond to review the updated ordinance. Desmond stated that the majority of the ordinance has been stricken leaving in the language regarding the records policy and adding in a paragraph that the custodian shall follow any applicable State and Federal statutes and County policies and states that the legal custodian may seek the advice of Corporation Counsel. Desmond stated that the ordinance also includes a records retention policy, however, that is a larger project than can be completed by the February County Board meeting and was left unchanged at this time.

Process improvement ideas

Increased direct communication between requestor and custodian – Hintz stated that there needs to be more communication directly with the requestor going forward.

Role of Corporation Counsel (Only questionable emails to CC, Withhold versus redact majority of email), Training, Handling of large requests, Simplify response cover letter, Learn from Sheriff's Office, Other Ideas – Hintz would like to see the role of Corporation Counsel become one of only helping with questionable emails or requests. Fried stated that stating only questionable emails/requests would go to corporation counsel may prevent a less experienced custodian from seeking advice from Corporation Counsel. Fried stated that depending on a person's experience they may have different questions and need more guidance from Corporation Counsel than a more experienced records holder. VanRaalte would like to see more in-depth guidelines regarding how to handle different types of requests. Hintz stated that the guidance from the state covers the questions that may arise and should be what is used for an open records request. VanRaalte stated that he believes a policy will speed up the process. Fried expressed concern with a policy and that records custodians will lean too heavily on the policy and not following the state guidance. Fried stated that he believes the priority needs to be to provide guidance, education and training to records holders. VanRaalte stated that he believes in order for the policy/ordinance to be effective there needs to be procedures created. Discussion what could be included in procedures that may not be included in the guidance from the state. Cushing stated that he believes the state guidance is all that should be needed for procedures and those should be followed. Hintz stated that there needs to be better training to County Board Supervisors and records custodians regarding open records and how to handle large open records request. Hintz stated that there needs to be a simpler cover letter created as to how a records request has been filled. Desmond expressed concern with simplifying the letter and how the letter would be used if the county needed to defend a decision in court. Greg Walker stated that the letter sent by Oneida County is far more detailed than any other level of government they have dealt with. Walker stressed that only denials should give that much information and as a government agency the county should lean towards granting all records request and only withholding very small amounts of information. Hintz stated that the Sheriff's Office is able to help with open records questions as they have a number of staff that have been heavily trained in the process. VanRaalte again stated that training will be key to Supervisors and Department Heads being able to handle open records requests. Discussion regarding the type and frequency of training. Cushing stated that the Wisconsin Counties Association also provides training on open records and is able to send someone to provide the training or via zoom.

Continue Open Records Resolution - Repeal of existing ordinance, Follow state law, Records retention – Discussion regarding the proposed resolution. Mott questioned if Supervisors also need to display language regarding how public records are released. Mott stated that in the sheriff's memo dated January 11, 2021 there were three suggestions given and Mott would like to see the resolution address the third suggestion that a statement should be made regarding "no records custodian will discriminate against any public records requestor". Motion by Mott/VanRaalte to amend the draft resolution and at line 259 add "No records custodian will discriminate against any public records requestor". All aye; motion carried.

Discussion regarding the guidance that states "a request must be reasonably limited "as to subject matter or length of time represented by the record." Mott questioned if the Sheriff's Office has a cover letter that could be used by other departments. Hartman explained that they have a basic template and a number of examples to work from

depending on the request. Hartman stated that they are willing to help other records custodians as requested. Hartman will work on a template for a cover letter. Mott asked if there will be a process for how to handle large requests. Walker stated that the law is very clear regarding the request being limited to subject matter or length of time and in very few cases does the requests volume play a role in being able to deny the request.

Motion by VanRaalte/Cushing to approve the resolution as amended and forward to the County Board at the next County Board meeting. All aye; motion carried.

Public comment/communication

Dates and items for future agenda/meetings – How to handle large requests, guidance regarding the frequency of trainings.

Adjourn – Hintz adjourned the meeting at 10:45 a.m.