

**Town of La Pointe  
Resolution #2023-0822  
Public Records Guidance**

For Town of La Pointe elected officials, staff, and members of Town-appointed boards, committees, and commissions

Town of La Pointe policy is to comply with Wisconsin statutory requirements, in letter and in spirit. Statutes make a strong presumption for transparency and openness in classifying documents and correspondence in favor of records that are “public,” not “private,” and in making those records available to residents, media, and others.

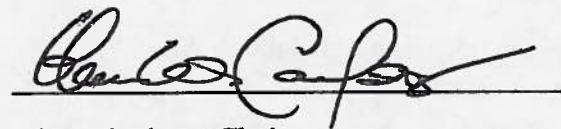
Nonetheless, there are gray areas. Most frequently, these are documents that are in “draft” form; that cover topics that will be discussed in closed session (such as certain legal, personnel or negotiating topics); or that originate from an attorney representing the Town. In short:

- State law allows drafts, notes, preliminary documents, and similar materials to remain private in certain circumstances. These circumstances include documents that are for the personal use of the originator, or are being shared only with a person in authority for whom the originator is preparing the document. (Examples would be a staff member preparing a document for a supervisor, or a staff member or committee work group preparing a document for the board or committee chair.) However, once the document is shared beyond that direct chain of command (such as for discussion with a full committee or board in an open meeting), the document should be considered public and made available upon request (even if it is still in “draft” form). Simply labeling a document a “draft” does not mean it can remain private indefinitely.
- In order to remain private, documents prepared for legitimate closed-session discussion should be marked “personal and confidential.” If there are no statutory grounds for a committee or board to meet in closed session, any document discussed in open session (even if it is still in “draft” form) should be available to the public. If there are reasons why a draft document should not be publicly available (such as when a policy, resolution or ordinance has not yet been vetted by an attorney), the document or work in progress should not be brought forward; the full committee or board should not discuss the document in open session until after the concerns are resolved.
- In general, any “work product” from a Town attorney is considered confidential under attorney-client privilege and should be labeled as such. If in doubt, be sure to clarify with the attorney.

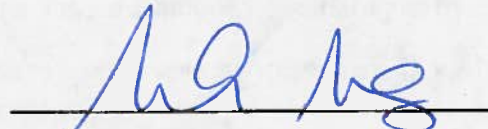
This guidance is not intended to cover all potential situations. When the need for additional guidance arises, Town staff, officials and appointed volunteers can consult the actual statutes (particularly Chapter 19 Subchapter II); references provided by entities such as UW Extension, Wisconsin Towns Association, or the Wisconsin Department of Justice; or, if necessary, a Town attorney.

**Providing records.** The Town Clerk is considered the primary custodian of Town records. Staff are encouraged to reply directly to simple requests for public records that will take minimal time and effort to fulfill; however, please notify the Clerk of those requests. More complex requests shall be forwarded to the Clerk, who can determine the best way to proceed.

This resolution was duly passed on this 22nd day of August, 20 23



Glenn Carlson, Chair



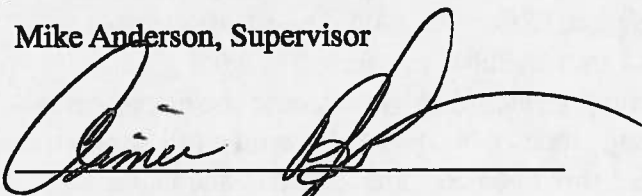
Clerk Attest



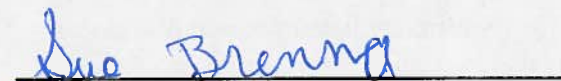
Mike Anderson, Supervisor

9-11-23

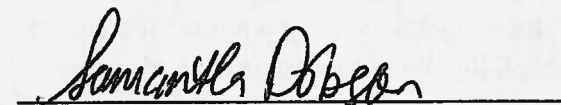
Date Posted/ Published



Aimée Baxter, Supervisor



Sue Brenna, Supervisor



Samantha Dobson, Supervisor