

**Resolution No. 2021-01, Amending Resolution No. 2013-2
Regarding Fees for Copies of Records**

WHEREAS, on May 13, 2013, the Town of Dakota Board of Supervisors approved Resolution No. 2013-2 Setting Fees for Copies of Records, as allowed under s. 19.35(3) Wisconsin State Statutes; and

WHEREAS, some of the costs set in that resolution are contrary to Wisconsin Attorney General opinion (72 Op. Atty. Gen. 150 (1983)); and

WHEREAS, Wisconsin Towns Association attorneys have recommended that the Town of Dakota amend its fee schedule to be compliant with the Attorney General's advice;

NOW, THEREFORE, BE IT RESOLVED by the Dakota Town Board that the fees for records be amended as follows (former language ~~struck through~~, and new language **bolded and underlined**):

The following fees for satisfying records requests under s. 19.35, Wis. Stats., are established:

- a. Actual cost of reproduction & admin. **(copy or scan): \$1.50 \$0.25** per page
- b. Actual cost of research of record **(a.k.a. "location fees")**: \$25.00 per request **hour to locate the record, if it takes two or more hours**
- c. Actual cost of shipping and mailing: Current postal rate

All other aspects of the Wisconsin State Statutes in this regard will be adhered to, including, but not limited to, the following:

- **Requests costing \$5 or more to fulfill will require prepayment. (s. 19.35(3)(f), Wis. Stats.)**
- **The records custodian is not required to "create a new record by extracting information from existing records and compiling the information in a new format." (s. 19.35(1)(l))**
- **Reproductions of driver licenses and/or identification cards may not be released to requesters—even if redacted—per s. 343.43(f) and s. 343.50(12)(e), Wis. Stats.**

BE IT FURTHER RESOLVED that this resolution will be in effect the day after posting per s. 60.80 (1)(c), Wis. Stats.

Resolution No. 2021-01

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____ {X} Voice Vote

Approved and adopted this 20th day of April 2021.


Denied this 20th day of April 2021.

Signed:

Attest:



Bobby Bandt, Chair



Melanie R. Stake, Clerk



Jeremy Kubasta, Supervisor #1



Gary Grenier, Supervisor #2