

1 By Supervisor Weishan
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3 **A RESOLUTION**
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5 Supporting the recovery and release of public records related to Milwaukee County
6 business activity which is subject to the Wisconsin Open Records Law
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9 WHEREAS, on September 18, 2013, the Milwaukee Journal Sentinel
10 (“newspaper”) filed a motion in Milwaukee County Circuit Court to obtain public records
11 that it alleges relate to the official business of Milwaukee County; and
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13 WHEREAS, the records sought by the newspaper relate to the matter of a John
14 Doe Proceeding, Case No. 10JD000007; and
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16 WHEREAS, the legal filing by the newspaper titled “*Notice of Motions and*
17 *Motions for Limited Intervention and for Access to the Public Records Owned and*
18 *Originated by Milwaukee County – and for their Return – that Now Remain Sealed in*
19 *the Closed John Doe proceeding*” was served, among others, to the Milwaukee County
20 District Attorney and the Milwaukee County Executive as parties; and
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22 WHEREAS, Wisconsin state law provides that elected officials are the custodians
23 of their own records, but that any business records should be maintained and provided
24 to their successors upon request; and
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26 WHEREAS, any public records of the County Executive’s Office business activity
27 are the property of Milwaukee County and should be under the custody and care of the
28 elected County Executive; and
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30 WHEREAS, A *Wisconsin Public Records Law (Wis. Stat. 19.31-19.39)*
31 *Compliance Outline* published by the Wisconsin Attorney General in September 2012
32 defines “record,” among other things, as “e-mail conducting government business sent
33 or received on the personal e-mail account of an authority’s officer or employees of the
34 authority;” and
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36 WHEREAS, the District Attorney of Milwaukee County apparently has physical
37 custody of the public records that are subject to the aforementioned legal filing; and
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39 WHEREAS, the County Executive is charged with implementing the adopted
40 policies of the Milwaukee County Board of Supervisors; and
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42 WHEREAS, it is the policy of the Milwaukee County Board of Supervisors that
43 records of Milwaukee County business activity are public records; and

44 WHEREAS, it is unacceptable to charge taxpayers for the cost of litigation to
45 shield what should be public records; and

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47 WHEREAS, a free and open democracy is only possible if public records of
48 governmental business activity are made available to the public; now, therefore,

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50 BE IT RESOLVED, that the Milwaukee County Board of Supervisors supports the
51 release of any public records, as defined by Wisconsin Statutes, related to
52 governmental business activity of Milwaukee County; and

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54 BE IT FURTHER RESOLVED, that the County Executive is directed to obtain
55 physical custody of any public records related to the business activity of the Milwaukee
56 County Executive's Office, including any that are subject to open record requests; and

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58 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors
59 hereby requests that the Milwaukee County District Attorney provide and support the
60 release of all public records related to the business activity of Milwaukee County that
61 may physically be in the possession of the District Attorney's Office; and

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63 BE IT FURTHER RESOLVED, that once the public records are received by the
64 County Executive, or other custodian of the record under state law, they are to be
65 released to the Milwaukee Journal Sentinel, as requested in its legal filing dated
66 September 18, 2013, and to any other interested party; and

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68 BE IT FURTHER RESOLVED, if the public records are not provided by the
69 District Attorney to the County Executive, or other custodian of the record under state
70 law, the policy of Milwaukee County will be to assist the Milwaukee Journal Sentinel in
71 obtaining the public records.