

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

(ITEM ) A resolution by Supervisor Weishan, Jr., supporting the recovery and release of public records related to Milwaukee County business activity which is subject to the Wisconsin Open Records Law, by recommending adoption of the following:

**AN AMENDED RESOLUTION**

WHEREAS, on September 18, 2013, the Milwaukee Journal Sentinel (“newspaper”) filed a motion in Milwaukee County Circuit Court to obtain public records that it alleges relate to the official business of Milwaukee County; and

WHEREAS, the records sought by the newspaper relate to the matter of a John Doe Proceeding, Case No. 10JD000007; and

WHEREAS, the legal filing by the newspaper titled *Notice of Motions and Motions for Limited Intervention and for Access to the Public Records Owned and Originated by Milwaukee County – and for their Return – that Now Remain Sealed in the Closed John Doe Proceeding* was served, among others, to the Milwaukee County District Attorney and the Milwaukee County Executive as parties; and

WHEREAS, Wisconsin State law provides that elected officials are the custodians of their own records, but that any business records should be maintained and provided to their successors upon request; and

WHEREAS, any public records of the County Executive’s Office business activity are the property of Milwaukee County and should be under the custody and care of the elected County Executive; and

WHEREAS, *A Wisconsin Public Records Law (Wis. Stat. 19.31-19.39) Compliance Outline*, published by the Wisconsin Attorney General in September 2012, defines “record,” among other things, as “e-mail conducting government business sent or received on the personal e-mail account of an authority’s officer or employees of the authority;” and

WHEREAS, the District Attorney of Milwaukee County apparently has physical custody of the public records that are subject to the aforementioned legal filing; and

WHEREAS, the County Executive is charged with implementing the adopted policies of the Milwaukee County Board of Supervisors; and

WHEREAS, it is the policy of the Milwaukee County Board of Supervisors that records of Milwaukee County business activity are public records; and

WHEREAS, it is unacceptable to charge taxpayers for the cost of litigation to shield

45 what should be public records; and

46

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,

49

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 governmental  
52 business activity of Milwaukee County; and

53

54 BE IT FURTHER RESOLVED, that the County Executive is requested 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

57

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 may  
61 physically be in the possession of the District Attorney's Office; and

62

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 released  
65 to the Milwaukee Journal Sentinel, as requested in its legal filing dated September 18,  
66 2013, and to any other interested party.

67

68

69 ag

70 04/10/2014

71 H:\Shared\COMCLERK\Committees\2014\Apr\JSGS\Resolutions\14-230.docx