

CHAPTER 27. MUNICIPAL RECORDS.

PURPOSE. An Ordinance to provide adequate protection for valuable municipal records and to incorporate the rules governing the retention and disposing of official municipal records as established by the Archives Advisory Board of the State of Maine as amended from time to time.

ARTICLE 1. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phases, words and their derivations shall have the meaning given herein. When not inconsistent with the content, words used in present include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not discretionary in sense.

(1) "Appraisal" means the archival process of determining the value and thus the disposition of records based on a study of their use, their subject content, their arrangement, their relationship to function and organization, and their relationship to other records.

(2) "Certificate", is a written documentary so signed and authenticated as to be legal evidence.

(3) "Current Records" means records needed and used in the day-to-day conduct of the current business of a City department or the school department, and which therefore must be kept in office space and equipment for that purpose.

(4) "Custodial Official" means an official of the City or the school department who is responsible for the safekeeping of records and documents entrusted to him or her in the performance of his or her official City business.

(5) "Disposition" includes all actions taken with regard to semi-current and non-current records following their appraisal. These actions include (1) transfer of semi-current records to a temporary storage area or to a records center; (2) transfer of non-current records having archival value to a designated archival depository; (3) reproduction on microfilm or optical disk with or without destruction of the originals; and (4) destruction.

(6) "Microfilming of Records" means the recording of records on film designed for that purpose.

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(7) "Non-Current Records" means records which no longer have value - administrative, legal or fiscal - for the current business of the originating office or official, and which should be disposed of in accordance with law or rule.

(8) "Official City Business"; means that business pertaining to an office of the City and the official duties of officers of the City.

(9) "Positive Film" means a photograph reproduction of something that shows that something and distinguishes the light areas of the object from the dark areas.

(10) "Record" means all documentary materials, regardless of media or characteristics, made or received and maintained by a City department or the school department in accordance with law or rule or in the transaction of its official business.

(11) "Records of Disposition Schedule" means a listing of record series with retention periods as appropriate for their current and semi-current phases, and an indication of their ultimate disposition.

(12) "Record Series" means file units (folders or volumes) or documents arranged in accordance with a filing system, or maintained as a unit because they relate to a particular function, result from the same activity, have a particular physical form, or because of some other relationship arising out of their creation, receipt, or use.

(13) "Retention Period" means the period of time for which record series should be kept in offices and in records storage areas before their ultimate disposition. The time period is usually given in months or years, but is sometimes expressed as contingent upon the occurrence of a particular event, such as audit or death of claimant.

(14) "Semi-Current Records" means records no longer needed frequently in the conduct of current business, but which, for administrative, fiscal, or legal purposes, must still be retained. The general rule is that any records series not consulted more than once per month per file drawer (or other file unit - such as a volume or case file) is semi-current, and should be transferred, if their quantity warrants, to storage areas utilizing lower-cost space and equipment until eligible for final disposition.

(15) "Record Copy" means a single copy of any document received or created by a City department or school department during the transaction of official business, which shall be retained for the term set by the Disposition Schedule for Local Government Records. All other copies of the same document in the department's possession are duplicate copies, held for convenience only, and may be destroyed when no longer of use.

ARTICLE 2. ESTABLISHMENT.

Section 201. Records Management Program. There is hereby established a municipal records management program for the City of Brewer in accordance with the guidelines established by the Archives Advisory Board of the State of Maine. The records management program shall be established as a division of the City Clerk's department.

Section 203. Mission. The purpose of this program is to preserve, maintain, service and make available to Brewer City Government, the Brewer School Department, and the public the permanently valuable records of the City.

Section 204. Purpose. This division of the City Clerk's department shall assist other City departments and the Brewer School Department in the effective management of their current and semi-current records by means of retention-disposition schedules, by technical assistance to improve procedures for maintaining, and by storing and servicing records. Emphasis is placed on the development of retention-disposition schedules for records generated by all City departments including a continuance of review of prior approved schedules. These retention-disposition schedules provide for the orderly disposition of records at the expiration of prescribed retention periods.

Section 205. Records Inventory. This division of the City Clerk's office shall maintain an inventory of the public records of the City. That inventory shall list City records, identify the departments that have custody of them, disclose where and by what methods they are stored, and indicate when they may be disposed of in accordance with the "Rules for Disposition of Local Government Records" established by the Archives Advisory Board of the State of Maine.

ARTICLE 3. DISPOSITION OF RECORDS.

SECTION 301. The old records of the City of Brewer and Brewer School Department which are in danger of being rendered valueless

because of the ravages of time or which have no permanent value to the City may be disposed of in accordance with the disposition
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schedule established by the Archives Advisory Board of the State of Maine.

SECTION 302. ADOPTION OF ARCHIVES ADVISORY BOARD'S RULES. There is herewith adopted, by reference, the "Rules for Disposition of Local Government Records," dated October 1, 2002, as established by the Archives Advisory Board of the State of Maine, Under the Administrative Procedures Act, Three copies of the rules shall be filed in the office of the Brewer City Clerk for public inspection.

ARTICLE 4. RECORDS SUBJECT TO AUDIT OR LITIGATION.

Under no circumstances shall this Ordinance or the "Rules for Disposition of Local Government Records," constitute authorization for a custodial official to destroy records when it is known that such records are still eligible for State or Federal audit. This Ordinance and these rules shall not provide authorization to destroy records which are known to be the subject of, or material to, potential or ongoing litigation.

INTENT AND PURPOSE. This proposed revision clarifies that the City Clerk's office is the public records office for the City. It establishes a records management program based on the rules and regulations established by the Maine State Archives Advisory Board.