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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
[redacted] of ..... Montgomery .....  
[redacted]  
[redacted]  
Local Law No. .... 11 ..... of the year 19 88 .....

A local law ..... Establishing a Records Management Program for the County of Montgomery .....  
(Insert title)

Be it enacted by the ..... Board of Supervisors ..... of the  
(Name of Legislative Body)

County  
[redacted] of ..... Montgomery ..... as follows:  
[redacted]  
[redacted]

SECTION 1. DEPARTMENT, OFFICER. There shall be a Records Management Program established under the aegis of the Department of History and Archives, and headed by a Records Management Officer (RMO). The officer will be responsible for administering the non-current and archival public records and storage areas for the County of Montgomery in accordance with local, state and federal laws and guidelines. Such officer shall also be the County Historian. The individual appointed to this position shall have a term of five (5) years commencing as of January 1, 1989.

SECTION 2. POWERS AND DUTIES. The officer shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation, storage and disposition of the non-current and archival public records kept, filed or received by the offices and departments of the County.

(A) The officer shall continually survey and examine public records to recommend their classification so as to determine the most suitable methods to be used for the maintaining, storing and servicing of archival material:

- (1) Obsolete and unnecessary records according to New York State Records Retention and Disposition Schedules thereby subject to disposition; or
- (2) Information containing administrative, legal, fiscal, research historical or educational value which warrant their permanent retention; or
- (3) Records not subject to disposition according to state law.

(B) Establish guidelines for proper records management in any department or agency of the County in accordance with local, state and federal laws and guidelines.

(If additional space is needed, please attach sheets of the same size as this and number each)

(C) Report annually to the Board of Supervisors and the County Administrator on the powers and duties herein mentioned including, but not limited to, the cost/benefit ratio of programs effectuated by the department.

(D) The officer shall operate a County Archives/Records Management repository and perform the following functions:

(1) Advise and assist County departments in reviewing and selecting material to be transferred to the County Archives for preservation.

(2) Continually survey and examine public records to determine the most suitable methods to be used for creating, maintaining, storing, and servicing archival materials.

(3) Establish and maintain an adequate repository for the proper storage, conservation, processing, and servicing of archival records.

(4) Promulgate rules governing public access to and use of records in the archives, subject to the approval of the Board of Supervisors.

(5) Develop a confidentiality policy for archival records designated confidential, providing such policy does not conflict with any federal or state statutes, subject to the approval of the Board of Supervisors.

(6) Provide information services to other County offices.

(7) Collect archival materials which are not official County records but which have associational value to the County or a close relationship to the existing archival collection. Such collecting shall be subject to Archives space, staff, and cost limitations, and to the potential endangerment of such materials if they are not collected by the Archives.

(8) Develop a procedure whereby historically important records are to be identified at the point of generation.

### SECTION 3. CUSTODY.

(A) A County department is the legal custodian of its records and shall retain custody of records deposited in a records repository. Records transferred to or acquired by the Archives shall be under the custody and control of the Archives rather than the department which created or held them immediately prior to being transferred to the Archives.

(B) Records shall be transferred to the Archives upon the recommendation of the RMO, with the approval of the head of the department which has custody of the records.

(C) Records may be permanently removed from the Archives at the request of the RMO or the head of the department which had custody of the records immediately prior to the transfer of those records to the Archives.

SECTION 4. DISPOSAL OF RECORDS. No records shall be destroyed or otherwise disposed of by a department of the County unless approval has been obtained from the Records Management Officer. No records shall be destroyed or otherwise disposed of by the Records Management Officer without the express written consent of the department head having authority.

SECTION 5. DEFINITIONS.

(A) "Archives" means those official records which have been determined by the Records Management Officer to have sufficient historical or other value to warrant their continued preservation by the County.

(B) "Records" means any documents, books, papers, photographs, sound recordings, microforms, or any other materials, regardless of physical form or characteristics, made or received pursuant to law, or in connection with the transactions of official County business.

(C) "Records management" means the planning, controlling, directing, organizing, training, promotion and other managerial use and records disposition, including, records preservation, records disposal and records centers or other storage facilities.

(D) "Records disposition" means:

(1) the removal by the County, in accordance with approved records control schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include:

(i) the disposal of temporary records by destruction or donation; or

(ii) the transfer of records to a Records Center/Archives for temporary storage of inactive records and permanent storage of records determined to have historical or other sufficient value warranting continued preservation; and

(2) The transfer of records from one County department to any other County department.

(E) "Records repository" means an establishment maintained by the County primarily for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space.

(F) "Servicing" means making information in records available to any County department for official use or to the public.

SECTION 6. SAVINGS CLAUSE.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement, decree or order shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgement, decree or order shall have been rendered and the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect.

SECTION 7. This Local Law shall take effect as of January 1, 1989.