

**Town of Guilderland
Office of the Town Clerk
Memorandum**

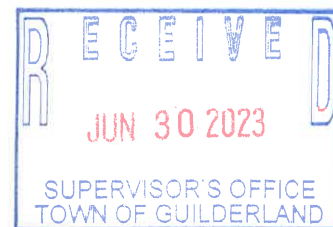
AGENDA ITEM #2

TO: Supervisor Barber and Town Board Members

FROM: Lynne Buchanan, Town Clerk

RE: Maintenance and Retention of Electronic Records
Resolution No. 4-2023

DATE: June 30, 2023



Supervisor Barber and Town Board Members

I respectfully request approval of the attached Resolution No. 4-2023 Maintenance and Retention of Electronic Records. This resolution will confirm our commitment to these electronic records and title them as our official records on file.

The process of digitizing our Payroll, Vital Records (1847-1998), and Town Board Meeting Minutes (1803-1995), currently on outdated and failing microfilm to Laserfiche using the Local Government Records Management Improvement Fund Shared Services Grant, should begin soon.

These fragile records will be digitized, indexed, and uploaded to Albany County's Laserfiche Rio Electronic Content Management System within the Albany County Hall of Records and made accessible to the Town Clerk's Office. The attached resolution will label these digitized records as our 'official records on file.'

Thank you,

Town of Guilderland
Resolution No. 4 – 2023

Maintenance and Retention of Electronic Records

WHEREAS, at its regular meeting on October 6, 2020, the Town Board adopted the Retention and Disposition Schedule for Local Government Records (LGS-1) issued pursuant to Article 57A of the Arts & Cultural Affairs Law containing legal minimum retention periods for local government records; and

WHEREAS, pursuant to Article 57-A:

- Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1) after the records have met the minimum retention period described in the schedule and

- Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods; and

WHEREAS, pursuant Arts & Cultural Affairs Law section 57.19, “[e]ach local government shall have one officer who is designated as records management officer. In towns, the town clerk shall be the records management officer;” and

WHEREAS, the Commissioner of Education for New York State promulgated regulations in Part 185 regarding records of public corporations; and

WHEREAS, 8 NYCRR 185.2(c) notes, “[t]he records management officer shall initiate, coordinate and promote the systematic management of the local government’s records in consultation and cooperation with other local officers;” and

WHEREAS, 8 NYCRR 185.7(f) provides, “[d]igital images of public records may be stored on electronic media, and such electronic records may replace paper originals or micrographic copies of these records. In order to ensure accessibility and intelligibility for the life of these records, local governments must follow the procedures described in section 185.8 of this Part;” and

WHEREAS, 8 NYCRR 185.8 (“Retention and preservation of electronic records”) provides in part, a) A local government shall ensure that records retention requirements are incorporated into any plan and process for design, redesign or substantial enhancement of an information system that stores electronic records; b) A local government shall ensure that electronic records are not rendered unusable because of changing technology before their retention and preservation requirements are met; c) A local government shall develop and maintain up-to-date documentation about all permanent or archival electronic records; d) A local government shall prepare and store in a secure off-site facility copies of archival electronic records in order to safeguard against loss; and e) A local government shall institute specified maintenance procedures for electronic media containing permanent or archival electronic records; and

WHEREAS, to the extent possible, the Town of Guilderland is desirous of utilizing electronic and/or digital records in place of paper records or micrographic copies;

NOW THEREFORE,

BE IT RESOLVED, the Town of Guilderland shall maintain all digitally created records in native digital format for the retention periods set out in the most recent edition of the Retention and Disposition Schedule for New York Local Government Records (LGS-1); and

BE IT FURTHER RESOLVED, that the Town shall retain and preserve its electronic records, defined as “those records stored on electronic media that can be read or processed only by means of a computer” in accordance with the requirements of 8 NYCRR 185.8 of the Regulations of the Commissioner of Education; and

BE IT FURTHER RESOLVED, that the Town Clerk, as records management officer, in consultation with other local officers including but not limited to elected officials, Town Supervisor, Budget Officer, Counsel to the Town, Receiver of Taxes, Assessor, Comptroller, Building Inspector, Town Engineer and other department heads or designees shall determine which non-electronic copies of records for which there are corresponding electronic copies may be disposed of when such non-electronic copies are no longer needed for reference, historical or other administrative purposes.

RESOLVED, that this Resolution shall take effect immediately.