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	Local Law No	of the year	r 19 95	
L Delaware.	oviding for the (Insert Title)	creation of a records manager	ment program for the Town	
e it enacted b	y the(Name	Town Board of Legislative Body)	of the	
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SECTION I Adoption of Records Management Program

The Town Board of the Town of Delaware hereby enacts a records management program as follows:

- Section 1. Department Officer. There shall be a records management program established under the aegis of the Town Board of the Town of Delaware 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 Town of Delaware in accordance with local, state and federal laws and guidelines. The RMO shall be the Town Clerk of the Town of Delaware.
- 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 Town of Delaware.
- (A) The Records Management 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 Town of Delaware in accordance with local, state and federal laws and guidelines.
- (C) Report annually to the chief executive official and the governing body on the powers and duties herein mentioned including, but not limited to, the cost/benefit ration of programs effectuated by the department.
- (D) The officer shall operate a Records Management Center for the storage, processing and servicing of all non-current and archival records for all Town of Delaware departments and agencies.
- (E) The officer shall establish a Town of Delaware Archives and perform the following functions:

- (2) Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing, and servicing of 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 Records Advisory Board.
- (5) Develop a confidentiality policy for archival records designated confidential, providing such policy does not conflict with any Federal or State statutes.
 - (6) Provide information services to the Town of Delaware officers.
- (7) Collect archival materials which are not official Town of Delaware records but which have associational value to the Town of Delaware or a close relationship to the existing archival collection. Such collecting shall be subject to archive 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. Records Advisory Board. There shall be a Records Advisory Board designated to work closely with and provide advice to the Records Management Officer. The Board shall consist of the Supervisor of the Town of Delaware, one Town councilman designated by the Town Supervisor, the Town of Delaware Building Inspector, the Assessor Chairman of the Town of Delaware, the Town Historian and a resident of the Town of Delaware as appointed by the Town Supervisor. The Board shall meet periodically and have the following duties:
- (A) Provide advice to the Records Management Officer on the development of the records management program;
- (B) Review the performance of the program on an ongoing basis and propose changes and improvements;
- (C) Review retention periods proposed by the Records Management Office for records not covered by State Archives' schedules;

- (A) A Town of Delaware department is the legal custodian of its records and shall retain custody of records deposited in the Records Center. 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 and the approval of the Records Advisory Board.
- (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, subject to the approval of the Records Advisory Board.
- <u>Section 5.</u> <u>Replevin.</u> The Legal Department may take steps to recover local government records which have been alienated from proper custody, and may, when necessary, institute actions of replevin.
- Section 6. <u>Disposal of Records</u>. No records shall be destroyed or otherwise disposed of by a department of the Town of Delaware 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 7. Definitions.

- (A) "Archives" means those official records which have been determined by the Officer and Advisory Committee to have sufficient historical or other value to warrant their continued preservation by the local government.
- (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 ordinance or in connection with the transaction of official Town of Delaware 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 Town of Delaware, 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 the Record 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 Town of Delaware agency to any other Town of Delaware agency.
- (E) "Records center" means an establishment maintained by the Town of Delaware 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 Town of Delaware agency for official use or to the public.

SECTION II Effect of Invalidity

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or any part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions not been included.

SECTION III Effective Date

This local law shall take effect immediately upon filing in the office of the Secretary of State.

llaw1sec.doc

1. (Final adoption by local legislative body only.)	
I hereby certify that the local law annexed hereto, of the MANAGEMENT AND	designated as local law No. 1 of 19 95 Delaware was duly passed by the
(Name of Legislative Body) On FEBRUARY 15	Delaware was duly passed by the 19 95, in accordance with the applicable provisions of law.
2. (Passage by local legislative body with approval by the Elective Chief Executive Officer*.)	no disapproval or repassage after disapproval
I hereby certify that the local law annexed hereto, of the (County)(City)(Town)(Village) of	lesignated as local law No of 19 was duly passed by the 19, and was (approved)(not disapproved)(repassed after
(Name of Legislative Body)	19, and was (approved)(not disapproved)(repassed after
disapproval) by the	
(Elective Chief Executive Officer*) in accordance with the applicable provisions of law.	
	٨.
3. (Final adoption by referendum.)	
I hereby certify that the local law annexed hereto, of the (County)(City)(Town)(Village) of	was duly
(Name of Legislative Body)	was duly passed by the, and was (approved)(not disapproved)(repassed after
disapproval) by the (Elective Chief Executive Officer*)	on19 Such local law was
bmitted to the people by reason of a (mandatory)(vote of a majority of the qualified electors voting the people of a majority of the appliance with the applinance with the appliance with the appliance with the appliance wi	permissive) referendum, and received the affirmative nereon at the (general)(special)(annual) election held on cable provisions of law.
4. (Subject to permissive referendum and final adoreferndum.)	ption because no valid petition was filed requesting
hereby certify that the local law annexed hereto, dof the (County)(City)(Town)(Village) of	esignated as local law No of 19 was duly passed by the
(Name of Legislative Body)	was duly passed by the year, and was (approved)(not disapproved)(repassed after
disapproval) by the	on19 Such local law was subject to
permissive referendum and no valid petition request	ing such referendum was filed as of19,
n accordance with the applicable provisions of law.	ing such referendam was filed as of19,
Elective Chief Executive Officer manne on tool	the chief and the con-
"inc pasis of it there be none. The chairma	the chief executive officer of a county elected on a on of the county legislative body, the mayor of a city officer is vested with the power to approve or veto local

-5.—(Gity-local-law-concerning-Ch	arter revision-proposed-by petition.)
of the City of the provisions of section (36)(37).	annexed hereto, designated as local law No. having been submitted to referend m pursuant to the Municipal Home Rule Law, and having received the affirmative vote
6. (County local law concerning a	adoption of Cl
I hereby certify that the local law	
the electors at the General Election section 33 of the Municipal Home qualified electors of the cities of s	Annexed hereto, designated as local law No
	inal-adoption has been followed, please provide an appropritate certification.
I further certify that I have compa the same is a correct transcript the in the manner indicated in paragra	red the preceding local law with the original on file in this office and that refrom and of the whole of such original local law, and was finally adopted ph 1, above.
	Clerk of the County legislative body, City, Town or Village Clerk
	or officer designated by focal legislative body LILLIAN BAUERNFEIND, Town Clerk
(Seal)	Date:
(Certification to be executed by Continuous authorized Attorney of local STATE OF NEW YORK	ounty Attorney, Corporation Counsel, Town Attorney, Village Attorney or ity.)
COUNTY OF SULLIVAN	
I, the undersigned, hereby certify t proceedings have been had or taker	hat the foregoing local law contains the correct text and that all proper for the enactment of the local law annexed hereto.
	Lle Lo.
	Signature KENNETH C. KLEIN
	Town Attorney
	XXXXXXX
	XXXX of Delaware Town XXXXXXXX
	Date: