

(Please Use this Form for Filing your Local Law with the Secretary of State)

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~~
~~City~~ of COHOCTON
~~Town~~
~~Village~~
Local Law No. 1 of the year 19 89

A local law PROVIDING FOR THE CREATION OF A RECORDS MANAGEMENT PROGRAM
(Insert title)

Be it enacted by the TOWN BOARD OF THE TOWN OF COHOCTON of the
(Name of Legislative Body)

~~County~~
~~City~~ of TOWN OF COHOCTON as follows:
~~Town~~
~~Village~~

(SEE ATTACHED)

Date 6/28/89
Local Law(s) No. 1
Year 1989
Municipality Town of Cohocton

Please be advised that the above-referenced material was received and filed by this office on 6/22/89

Additional forms for filing local laws with this office will be forwarded upon request.

NYS Department of State
Bureau of State Records

383602-004 (4/87)

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

Section 1. Records Management Officer.

There shall be a records management program established under the aegis of the Town Board of Cohocton 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 Cohocton in accordance with local, state and federal laws and guidelines.

The Town Board shall annually appoint a Records Management Officer. The Records Management Officer may appoint a designee, subject to approval of the Town Board to assume the same duties of the Records Management Officer in the absence of the Records Management Officer.

Section 2. 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 Town of Cohocton.

(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 Cohocton 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 Cohocton, 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 Cohocton agency to any other Town of Cohocton agency.

(E) "Records center" means an establishment maintained by the Town of Cohocton 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 Cohocton agency for official use or to the public.

Section 3. 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 Cohocton.

(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 Cohocton in accordance with local, state and federal laws and guidelines.

(C) Report annually to the Town Supervisor and the Town Board 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 Records Management Center for the storage, processing and servicing of all non-current and archival records for all Town of Cohocton departments and agencies.

(E) The officer shall establish a Town of Cohocton Archives and perform the following functions:

(1) Advise and assist Town of Cohocton Departments in reviewing and selecting material to be transferred to the Town of Cohocton Archives for preservation.

(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 an 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 other Town of Cohocton offices.

(7) Collect archival materials which are not official Town of Cohocton records but which have associational value to the Town of Cohocton 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 4. 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 Town Supervisor, Town Clerk, Town Historian, at least two (2) members of the Town Board, Town Department Supervisors.

(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;

(D) Provide advice on the appraisal of records for archival value and to be the final sign-off entity as to what is or is not archival.

Section 5. Custody.

(A) A Town of Cohocton 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.

Section 6. Replevin.

The Town Attorney may take steps to recover Town of Cohocton records which have been alienated from proper custody, and may, when necessary, institute actions of replevin.

Section 7. Disposal of Records.

No records shall be destroyed or otherwise disposed of by a department of the Town of Cohocton 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 8.

This Local Law shall take effect immediately upon adoption.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No.1..... of 1989.....
of the ~~County~~ ~~City~~ of Cohocton..... was duly passed by the Town Board.....
Town (Name of Legislative Body)
on June 13..... 1989..... in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, * or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of..... was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved not disapproved
repassed after disapproval by the
Elective Chief Executive Officer *
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of..... was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved not disapproved
repassed after disapproval by the
Elective Chief Executive Officer *
on 19..... Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19....., in accordance with the appli-
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of..... was duly passed by the on
Town (Name of Legislative Body)
Village
..... 19..... and was approved not disapproved
repassed after disapproval by the on
Elective Chief Executive Officer *
..... 19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on general 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Patricia Bidlack
....., Town or Village Clerk or
officer designated by local legislative body
Patricia Bidlack

Date: June 14, 1989

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF STEUBEN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

James J. Feys
.....
Signature
TOWN OF COHOCTON ATTORNEY
.....
Title

Date: June 14, 1989

COUNTY
City of *Cohocton*
Town
Village