

MENOMINEE TOWNSHIP BOARD
Policies and Procedures
Records Management Policy MTR-02-2015

1. Purpose. The purpose of this document is:

- a. To establish the townships policies and procedures as it pertains to records management.**
- b. To provide carry-over guidance when members of the Board of Trustees change.**
- c. To provide process guidelines and education to those not familiar with township government as it pertains to Menominee Township’s processes involving records management.**
- d. Not to cover Freedom of Information Act (FOIA) policy in depth; this is covered in a separate policy document (See MTR-1-2015).**

2. Applicability. This records management policy shall apply to all officials, appointees, employees, agents, independent contractors and volunteers of the township. Each individual who creates, sends or receives official records is responsible for retaining those records in accordance with this policy.

3. General. Good records management is good government. The information that follows is extracted from chapter 6 of Michigan Township Associations “Policy Matters’ book. Following best practices for records management will help efficiently retrieve records, prevent lost or misfiled documents, and document or validate transactions and decisions.

a. What is a Public Record? The Michigan Freedom of Information Act, MCL 15.231, et seq., defines public records as recorded information “prepared, owned, used, in possession of, or retained by a public body in the performance of an official function, from the time it is created.”

b. Who is Responsible for What?

(1) Various Michigan State Laws charge the Supervisor, Clerk and the Treasurer with the duty to preserve and keep the books, records, and other papers, including electronic or digital records, belonging to their respective offices in a safe and suitable place, but not where the books, records and other papers will be exposed to damage (water/fire/other) or theft hazards. All 5 township officials have township reference materials (Menominee Twp Policy Book) and township purchased books that are maintained by each office for the purpose of having references available for immediate “Board of Trustee” use that are maintained current by each officer. All township records and references are required to deliver their pertinent records/references to their respective successors in office or if historical records, stored in the township vault which is controlled by the Township Clerk. Menominee Township’s Deputies, Assessor (s) and Sexton (Asst) each have records responsibilities which are control by the respective elected office providing oversight and handling of those records.

(2) The Clerk is charged specifically with keeping certificates of oaths, township board minutes, other board minutes, detailed accounting records (general ledger) and other records. In addition to keeping records belonging to his/her office, the clerk is also charged with custody of all other township records, books, and papers when no other provision for custody is made by law.

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4. Policy.

a. Records Management Responsibilities. The clerk shall be responsible for coordinating all records management procedures and activities for township offices, departments or services. Duties include the:

(1) Distribution of approved general record retention schedules.

(2) Development, review and approval of township-specific record retention schedules.

(3) Distribution of policies, guidelines and standards published by the State of Michigan, the township and other parties.

(4) When if ever required, arranging off-site storage facilities for inactive records; arranging microfilm and digital imaging services and arranging the destruction of confidential records with a vendor.

(5) Coordinating all litigation holds to prevent the destruction of records that are relevant to a Freedom of Information Act request, investigation or litigation.

(6) Reminding or recommending educational opportunities for the other two administrative offices that they have independent responsibilities of maintaining statutory duty record management and all offices have the responsibility of maintaining and safeguarding references in their charge. The clerk cannot know or be charged with managing the records of the Offices of Supervisor or Treasurer.

b. Responsibility to Enforce:

(1) The clerk and the deputy clerk shall ensure that township officials, appointees and employees are aware of and implement the township's record management policies. They shall ensure that the township has the most updated record retention schedules that cover all records (regardless of form or format) that are created and used by the township.

(2) The clerk and the deputy clerk shall ensure that the digital files and e-mail (and other records) of former officials, appointees, employees, volunteers and consultants are retained in accordance with approved record retention schedules.

c. Separation from Township. Township officials, appointees, employees, volunteers and consultants/contractors shall not take public records or reference material with them when they terminate office, employment or contract with the township, and they shall not destroy records that have not yet fulfilled their approved retention period. All officials are responsible for ensuring that references and records, including e-mail and other digital records, of contractors, commissioners, board members and employees who are separating from the township are retained in accordance with the township's policy.

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d. Failure to Adhere to This Records Management Policy. Failure to adhere to the township's records management policies may result in applicable discipline, up to and including discharge from employment, termination of the contractor status, or termination of the volunteer relationship. Further, the removal, mutilation or destruction of public records may result in civil and criminal liability, up to and including a penalty of not more than two years in state prison or a fine of not more than \$1,000.

e. Records Are Maintained and Stored to Ensure Township Compliance with Law. Township officials, appointees, employees, volunteers and consultants/contractors shall create, develop, organize, maintain, retain and store all township records to accommodate public inspection, FOIA compliance, record retention requirements, and minimize the township's exposure to litigation/risk.

f. The clerk shall develop a process or procedures with other offices to accommodate access to records for the purpose of public inspection of records, FOIA requests, and discovery or other litigation-related requests, when:

- (1) Specific records are required by law or township policy to have limited access.
- (2) Specific records contain information exempt from disclosure.
- (3) Township records are kept or used in home offices.

g. Record Retention Schedules. All township records shall be retained in accordance with an approved record retention schedule. Records not listed on an approved record retention schedule are considered permanent records and may not be disposed of until that record is listed on an approved retention schedule. Since the Office of Treasurer is at a location other than the Township Hall; the items that are included on the retention schedule for this office are:

- (1) Office Tax Bill Copies are retained one year after the end of the tax season normally March 1st.
- (2) Treasurer's Payroll Time & Expense sheets retained at least one year after an annual audit; however the Treasurer may want to retain these longer for personal reasons IAW IRS rules.

h. Litigation, Investigations and Freedom of Information Act Requests.

- (1) The FOIA coordinator shall keep a copy of all written requests for public records on file for no less than one year.
- (2) No records that are the subject of litigation, a pending investigation request or a pending FOIA request shall be destroyed until the legal action or activity has ended, even if the records are otherwise scheduled for destruction pursuant to a relevant record retention schedule.
- (3) Any individual with knowledge of pending litigation, a pending investigation or a FOIA request shall immediately inform the FOIA coordinator. In consultation with the township attorney, the FOIA

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coordinator shall direct all relevant individuals to immediately cease disposal of all records relevant to the pending litigation, pending investigation or FOIA request. If the relevant records are in electronic form (including e-mail) then the FOIA coordinator shall notify an appropriate information specialist for retrieval procedures.

(4) If questions arise as to what records are relevant to a pending litigation, pending investigation, or FOIA request, the FOIA coordinator shall direct the immediate cessation of the disposal of all records. The moratorium on the disposal of all records relevant to the pending litigation, pending investigation or FOIA request shall remain in effect for the duration of the litigation or investigation, or until the FOIA request has been fully processed.

i. Inspection of Records

(1) Public Inspection of Records.

(a) Upon receiving a verbal request to inspect township records, the township shall furnish the requesting person with a reasonable opportunity and reasonable facilities for inspection and examination of its public records.

(b) Since the township offices are not staffed full-time, the public does not have unlimited access to township offices or facilities. A person may be required to inspect records at a specified time and at a counter or table in view of township personnel that are available. A person shall be allowed to inspect public records during the supervisor's hours at the township hall monitored by the Deputy Supervisor on Wednesdays between 12 noon and 4 pm; with proper arrangements with the respective township officer who has control of the record(s). Inspection of records may be arranged at any time or place as convenient to the respective township official. The assessor's records may be reviewed during the Assessor Office hours via appointment with the assessor and approval by the supervisor.

(c) Township officials, appointees, staff or consultants/contractors assisting with inspection of public records shall inform any person inspecting records that only pencils, and no pens or ink, may be used to take notes.

(d) In coordination with the official responsible for the records, the FOIA coordinator shall determine on a case-by-case basis when the township will provide copies of original records, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection.

(e) The respective elected official is responsible for identifying if records or information requested by the public is stored in digital files or e-mail, even if the public does not specifically request a digital file or e-mail.

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(f) A person cannot remove books, records or files from the place the township has provided for the inspection.

(g) No documents shall be removed from the office of the custodian of those documents without permission of that custodian, except by court order, subpoena or for audit purposes. The official shall be given a receipt listing the records being removed. Documents may be removed from the office of the custodian of those documents with permission of that custodian to accommodate public inspection of those documents.

(2) Copies May Be Required to Enable Public Inspection of Records. In coordination with the official responsible for the records, the FOIA coordinator will determine (by policy, on a case-by-case basis, or both) when the township will provide copies of original records, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection. A fee will be charged for copies made to enable public inspection of records, according to the township's FOIA policy.

(3) Record Fees (See cost/fee breakout in FOIA Policy).

(a) In all cases, township personnel shall use the most economical means available to make copies of public records, including digital copies of documents or recordings. E-mail may be used to distribute or mail records.

(b) "Actual, incremental cost" means the cost to the township over and above the cost to the township if the request had not been made. Overhead costs shall not be included in an "actual, incremental cost."

(c) Fees for Separating Exempt From Non-Exempt Information: A fee shall not be charged for the cost to search, examine, review, and delete, separate or redact exempt from non-exempt information unless failure to charge a fee would result in unreasonably high costs to the township because of the nature of the specific request.

(d) Costs Waived Due to Indigence of Person Making Request. A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20 of the fee for each request to a person who is entitled to information under the FOIA and who submits an affidavit stating that, at the time the request is submitted, the person is either receiving public assistance or is unable to pay the cost because of indigence. "Indigence" is determined by the township's poverty guidelines annually adopted for property tax poverty exemption applications (which is "the federal poverty thresholds annually compiled and published by the Bureau of the Census prior to December 31 of each year").

J. Digital Files and E-mail Retention.

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(1) Email Defined. Electronic mail (e-mail) is a means of exchanging messages and documents using telecommunications equipment and computers. A complete e-mail message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc., as well as aliases and names of members of groups), and any attachments.

(2) Digital Files and E-mail Messages May Be Public Records. A digital file or e-mail message is a public record if it is prepared, owned, used, in the possession of or retained by a public body in the performance of an official function, from the time it is created.

(3) Digital Files and E-mail Messages Are Public Property. All digital files and e-mail messages that are created, received or stored by the township are the property of the township. They are not the property of the township officials, appointees, employees, volunteers, consultants/contractors, vendors or customers. E-mail accounts are provided to township staff for conducting public business. No one should have an expectation of privacy when using the township's computer resources.

(4) Digital Files and E-mail Retention and Disposal Schedules. Digital files and e-mail shall be retained according to the applicable record retention schedule for the type of record the digital file or e-mail represents. Individual employees or consultants are responsible for deleting digital files and e-mail messages in accordance with the appropriate record retention schedule.

(5) Digital Files and E-mail Storage and Maintenance. The township shall retain its digital files and e-mail by maintaining the stored e-mail online in the active e-mail system for its entire retention period. E-mail account holders are encouraged to establish folders for arranging e-mail according to their content, and they are responsible for disposing of e-mail that has met all of its retention requirements. In most cases printing the digital files or e-mail and related transactional information, and filing the paper in a manual filing system may be better.

k. Record Storage and Maintenance.

(1) Record Storage.

(a) Township officials, appointees, employees, volunteers, consultants/contractors and departments shall organize records to promote fast and efficient retrieval of information. Appropriate and cost-effective office equipment, indexes and tools shall be used to maintain records.

(b) The township clerk shall periodically evaluate and make recommendations to the township board on the method(s) to be used to maintain and store records for their minimum retention periods. Records that will be retained for more than 10 years shall be stored in the vault that facilitates the security and stability of the storage media. The Clerk shall work in conjunction with the information consultant to determine the most cost-effective and reliable method of maintaining digital and electronic records for their full retention period, so technology changes do not render them in accessible and unusable.

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(c) When reproducing township records for storage purposes, the township shall comply with the applicable State of Michigan standards and best practices for record reproduction, as authorized by the Records Reproduction Act, MCL 24.401, et seq.

(d) Records containing sensitive or confidential information shall be protected against unauthorized access, especially records that are protected by state or federal laws, records containing private information, financial information, background checks, medical information and Social Security numbers. Individuals and offices shall employ appropriate locks, passwords and other devices to protect the privacy of this information.

(2) Record(s) Disposal.

(a) Public records that have reached their minimum retention period, and which are no longer required for the efficient operation of the township, may be disposed of. All township offices shall routinely review all records (regardless of format) to identify those that have fulfilled their retention requirements.

(b) Disposal shall be made by a method that is guaranteed to ensure the privacy of sensitive or confidential information. Records that contain confidential information will be disposed of in a manner that ensures they cannot be reconstructed (shredded). The township shall destroy open records by recycling or regular trash disposal.

(c) Some records possess permanent or historical value. These records may be designated for eventual transfer to the Archives of Michigan for permanent preservation. The township shall follow the Archives' procedures for transferring records and maintain them in the Township's vault.

I. Disaster Prevention and Recovery

(1) Township records, books and papers shall not be kept where they will be exposed to weather, an unusual hazard of fire, theft, or other damage.

(2) In the event of damage to township records, township personnel will notify the Supervisor and at the Supervisor's direction the clerk shall:

(a) Contact the township's risk manager and insurance agent

(b) Determine the type of damage to records (fire, smoke, chemical, clean water, dirty water, heat, humidity).

(c) Determine which records have been damaged

(d) Determine the types of materials that have been damaged (paper, film/microfiche, computer files, CDs/DVDs, etc.)

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(e) Begin salvage according to applicable State of Michigan standards and best practices for document salvage

5. This policy supersedes any previous Menominee Township Records Management policy and /or motion(s) made prior to the date of this document that cover related issues. Recommendations for any changes will be in accordance with state laws and directed to the Menominee Township Clerk for update or revision. The Township Clerk is responsible for maintaining this document.

6. The Menominee Township Board of Menominee County, State of Michigan adopts the Records Management Policy MTR-02-2015 which will remain in effect until future policy revisions are warranted.

7. The Records Management Policy (total 8 pages) is offered by Board Member Michael Armbrust, Menominee Township Clerk.

And Seconded by Board Member: Larry Barker, Trustee.

Upon Roll call vote; Aye: 5 Nay: 0 Absent: 0

The Twp Supervisor declared the policy adopted on May 27th 2015 by Ken Goffin.

I, Michael Armbrust, the duly elected clerk of Menominee Township, Menominee County, State of Michigan, do hereby certify the above and foregoing policy was adopted at a regular meeting of the Menominee Township Board held on 27 May 2015.