

Clerk

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~~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 BOARD OF TRUSTEES of the
(Name of Legislative Body)

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

Date 6/28/89

Local Law(s) No. 1
Year 1989
Municipality Village of Cohocton

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

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RECEIVED
BY D.J. DATE 7/5/89

NYS Department of State
Bureau of State Records

383602-004 (4/87)

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Section 1. Records Management Officer.

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

The Village Board of Trustees shall annually appoint a Records Management Officer. The Records Management Officer may appoint a designee, subject to approval of the Board of Trustees 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 Village 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 Village 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 Village 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 Village of Cohocton agency to any other Village of Cohocton agency.

(E) "Records center" means an establishment maintained by the Village 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 Village 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 Village 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 Village of Cohocton in accordance with local, state and federal laws and guidelines.

(C) Report annually to the Village Mayor and the Board of Trustees 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 Village of Cohocton departments and agencies.

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

(1) Advise and assist Village of Cohocton Departments in reviewing and selecting material to be transferred to the Village 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 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 other Village of Cohocton offices.

(7) Collect archival materials which are not official Village of Cohocton records but which have associational value to the Village 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 Village Mayor, Village Clerk, Village Treasurer, Village Historian, at least two (2) members of the Board of Trustees, Village 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 Village 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 Village Attorney may take steps to recover Village 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 Village 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.