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TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 20 – STATE AGENCY RECORDS RETENTION SCHEDULES

PART 22 – INFRASTRUCTURE BANK RECORDS (CWF)

22.1 Purpose, Authority, Severability, and Destruction

22.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

22.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 (“Public Records”), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

22.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

22.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

CWF Infrastructure Bank

CWF1 Clean Water Finance Loan Program Records

The Rhode Island Infrastructure Bank (formerly the Clean Water Finance Agency (CWFA)) was established in 1989 to administer federal and state programs established to provide financial assistance for the treatment of municipal or community wastewater and drinking water. Included are several programs, each of which is responsible for administering loans for different kinds of projects related to clean water, drinking water, water pollution control, facility planning, community septic systems, and road and bridge compliance. The agency undertakes financing of clean water projects once it has received documentation from the Department of Health, the Department of Environmental Management, or the Department of Transportation certifying approval of municipalities' proposed projects. Once the CWFA receives documentation of project approval from these agencies, it proceeds to establish financing arrangements with municipalities and communities. The records in this series are loan files. The contents of the files depend on whether the application for financing has been approved or denied. The records may include, but are not limited to, certificates of project approval from state agencies, loan agreements, financial documentation, and related correspondence. The financial documentation relates to contractors' billing for services related to the project, as well as documentation related to the borrowers' terms of repayment of the loan, periodic notices to borrowers concerning the status of the loan, payment documentation, and late payment notifications. The files may also include records related to the legal status of the borrowing entity, evidence of its issuance of bonds related to the project, and CFWA's financial capability analysis for each loan application, as well as copies of periodic inspection reports completed by DEM or other agencies. Also included may be audited financial reports and analyses of operating revenues and expenses, and other documentation periodically filed by borrowers relating to their financial condition. Repayment terms normally extend over twenty years.

CWF1A Approved Project Application Files

Retention: Retain twenty (20) years, or ten (10) years after final closure, whichever is later.

CWF1B Denied Project Application Files

Retention: Retain three (3) years.

CWF2 Bond Fund Management Records

In order to raise funds for purposes related to providing financial assistance to municipalities, communities, and individuals for wastewater and drinking water projects, the Clean Water Finance Agency has the authority to issue general obligation bonds, special obligation bonds, refunding bonds, and temporary notes. The records in this series document the CWFA's implementation and administration of these debt instruments. The records include official statements, bond registers, and ledgers/accounts payable records, including monthly statements of transactions, receipts and redeemed coupons, authorizations for payment and vendor information. This series may also include correspondence, press releases, proposals for bond anticipation notes, preliminary studies, proposals and prospectuses, certificates of issuance, bond product reports, banking records, agreements and draw down schedules.

CWF2A Bond Implementation Records

Including bond registers and official statements.

Retention: Permanent.

CWF2B Bond Administration and Accounting Records

Including receipts and coupons.

Retention: Retain ten (10) years after bond is
satisfied and final audit.

CWF3 Special Plans, Publications, Studies and Reports

This series consists of plans or reports in conjunction with municipal, state, federal, independent agencies or consulting groups regarding significant initiatives or projects. May include but is not limited to annual reports, strategic plans, capital improvement plans, studies, technical reports, task force reports, and land use/open space/development reports.

Retention: Permanent.

CWF4 Grant Records [SUPERSEDED]

See Also: For associated retention, see GRS1.18 (Grant Program Files).

CWF5 Certificates of Records Destruction [LEGACY – DUPLICATE]

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State

Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable records retention schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6(j), and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).