

**100-RICR-50-40-11**

**TITLE 100 – DEPARTMENT OF STATE**

**CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION**

**SUBCHAPTER 40 – LOCAL GOVERNMENT RECORDS RETENTION SCHEDULES**

**PART 11 – MUNICIPAL PLANNING BOARD, PLANNING AND COMMUNITY DEVELOPMENT RECORDS (LG11)**

**11.1 Purpose, Authority, Severability, and Destruction**

**11.1.1 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.

**11.1.2 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.

**11.1.3 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.

**11.1.4 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)

## **LG11            Municipal Planning Board, Planning and Community Development Records**

### **LG11.1           Planning Board Review Files**

Records documenting land development and subdivision proposals which planning board reviews and approves or denies. Includes master, preliminary, and final plans, amendments, and supporting documentation: suitability applications and determinations, written comments from federal, state, or other municipal agencies, permits and agreements with state and federal reviewing agencies, approved master and preliminary plans, site and impact analyses, legal agreements, records of public hearings, final approval drawings, photographs, phase time schedules, check lists, variances, lists of abutting property owners, test results and applicability decisions, reports, affidavits and legal opinions, tax certificates, bonds, questionnaires, project descriptions, subcontractor lists, cost estimates, copy meeting minutes and votes of the planning board, memos, and correspondence.

Note:            Municipal departments responsible for implementation and enforcement may hold parts of the official or record copy.

#### **LG11.1A           Approved and Waivered Proposals**

Retention:       Permanent.

#### **LG11.1B           Denied and Withdrawn Proposals**

Retention:       Retain three (3) years.

### **LG11.2           Minutes of Meetings**

Minutes of the Planning Board, Board of Appeal, and Technical Review Committee including agendas.

Retention:       Permanent.

Note:            Municipal Clerk should hold official or records copy.

### **LG11.3           Comprehensive Community Plan**

Records relating to the development and submission of a Comprehensive Community Plan including land use and regulation, transportation, public facilities, blighted and general areas for redevelopment, renewal, rehabilitation, or conservation, problems of housing and the development of housing programs, environmental protection, natural resource conservation, protection from disaster,

economic and social characteristics of the population, preservation of historic sites and buildings, economic development, and capital improvement. May include surveys, studies, plans, reports, background records, and updated or amended Comprehensive Community Plans.

Retention: Permanent.

#### **LG11.4 Capital Improvement Program Records**

Records relating to proposal requests from individual municipal departments for capital improvements. May include project requests and summaries, budget, and cost estimates, analysis, worksheets, priority ratings, schedules, Planning Board and copy City/Town Council recommendations and decisions, memos, and correspondence.

Note: Official or record copy may be held by another municipal department.

##### **LG11.4A Approved Requests**

Retention: Permanent.

##### **LG11.4B Copies and Denied Requests**

Retention: Retain three (3) years.

#### **LG11.5 Plans, Maps, and Drawings**

Plans, drawings, and maps including, but not limited to, projects and proposals for community and economic development, capital improvement, development, sub-divisions, zoning, survey and plat, tax assessment, water quality and wetlands analysis, flood insurance, buildings, high-ways, sanitary sewers, and traffic control.

Note: Official or record copy may be held by another municipal department.

##### **LG11.5A Original or Record Copy**

Retention: Permanent.

##### **LG11.5B Duplicate and Reference Copies**

Retention: Retain until updated, superseded or of no administrative value.

#### **LG11.6 Indices [SUPERSEDED]**

Location and cross reference systems devised and maintained for the purpose of retrieving plans, drawings, maps, or other records.

See Also:      For associated retention, see LG11.5 (Plans, Maps, and Drawings).

### **LG11.7      Registers**

Registers, logs, or master summary record including those used to record receipt of land development/subdivision applications and actions related to them, activities related to planning and/or community development, or to record the receipt of plans, drawings, or maps.

Retention:      Permanent.

### **LG11.8      Subject/Development Files**

Records compiled for reference or development of projects and programs including, but not limited to, streets, emergency preparedness and management, recycling, malls and industrial parks, sewers, transportation, water, and harbor management. May include proposals, studies, reports, plans, specifications, newspaper clippings, technical papers, memoranda, and correspondence.

#### **LG11.8A      Final Report and Essential Supporting Documentation for Projects/Programs Implemented**

Retention:      Permanent.

#### **LG11.8B      Reference Records and Projects/Programs No Implemented**

Retention:      Retain until obsolete or of no administrative value.

### **LG11.9      Grant Program Files**

Records relating to the development of grant proposals to state or federal agencies and the administration of grant awards and programs. Records may include, but are not limited to, grant applications and agreements, studies, notices, technical specifications, drawings, plans, bid and contract records, accounting, banking, purchasing, and payroll records, bonds, monitoring and performance reports, expenditure and outlay reports, memoranda, and correspondence.

#### **LG11.9A      Grant Applications and Amendments, Final Performance, Disposition and Expenditure Reports**

Retention: Permanent.

**LG11.9B Financial and Programmatic Records, Periodic Performance Reports, Supporting Documents, Statistical Records, Other Required and Pertinent Records**

Retention: Retain ten (10) years from submission of closeout and final expenditure report or submission of annual financial status report for grants renewed annually.

**LG11.9C Real Property and Equipment Records**

Retention: Retain ten (10) years from the date of disposition, replacement, or transfer of property/equipment.

**LG11.9D Income Transaction Records (Earning of Income) After Grant Support Where Required by the Terms of the Grant**

Retention: Retain ten (10) years from the end of fiscal year in which the income is earned.

**LG11.9E Unsuccessful Grant Applications**

Retention: Retain three (3) years.

Note: If any litigation, claim, negotiation, audit or other action has been started before the expiration of the ten (10) year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the ten (10) year period, whichever is later. Any records related to a contract or liability under seal, or any judgement or decree by a federal or state court, should be retained for twenty (20) years. (R.I. Gen. Laws § 9-1-17)

**LG11.10 Federal Assistance Application**

Annual application submitted to the federal Department of Housing and Urban Development.

Retention: Permanent.

## **LG11.11      Community Development Case Files**

Records relating to loans awarded to promote public improvement, social services and economic development, rehabilitation and revitalization, and affordable housing. Records may include, but are not limited to, loan applications, budgets, project and work descriptions and specifications, evaluations, contracts, progress reports, financial statements, records of loan payments, monitoring reports, and correspondence.

### **LG11.11A      Approved Applications**

Retention:      Retain ten (10) years after final payment on loan.

### **LG11.11B      Denied Applications**

Retention:      Retain six (6) years.

## **LG11.12      Reports and Studies**

### **LG11.12A      Daily and Weekly Reports**

Retention:      Retain one (1) year.

### **LG11.12B      Monthly, Quarterly, and Periodic Reports**

Retention:      Retain three (3) years.

### **LG11.12C      Annual and Special Reports and Studies**

Retention:      Permanent.

## **LG11.13      Historic Preservation Survey Records**

Records relating to the RI Statewide Survey including Historic Building Data Sheets and photographs for individual buildings surveyed.

Retention:      Permanent.

## **LG11.14      Certificates of Records Destruction [LEGACY – DUPLICATE]**

Certification of Records Destruction forms signed by 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 schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6, and 42-8.1-10)

Retention:      Permanent.

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

**LG11.15 Sub-Grant Files**

Files of all documentation of sub-grants awarded through a municipal grant program funded from governmental or private sources. May include but is not limited to, original sub-grantee application, grant award and cooperative agreement, financial reports, progress reports, clippings, correspondence, audit reports and eligibility and verification documents.

Note: If any litigation, claim, negotiation, audit or other action has been started before the expiration of the ten (10) year period, the records must be retained ten (10) years after completion of the actions and resolution of all issues which arise from it.

**LG11.15A Approved Applications**

Retention: Retain ten (10) years from date of submission of the final expenditure report.

**LG11.15B Denied Applications**

Retention: Retain three (3) years from date of decision.