

100-RICR-50-40-16

TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 40 – LOCAL GOVERNMENT RECORDS RETENTION SCHEDULES

PART 16 – MUNICIPAL LEGAL RECORDS (LG16)

16.1 Purpose, Authority, Severability, and Destruction

16.1.1 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.

16.1.2 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.

16.1.3 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.

16.1.4 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)

LG16 Municipal Legal Records

LG16.1 Index to Files

Index to general or subject files. May include date and file number and/or case number.

Retention: Retain until updated or superseded or obsolete. Purge with related record series.

LG16.2 Legal Opinions

Official opinions of the legal counsel, solicitor, special counsel, or law department per the request of municipal officers and departments, councils, boards, and commissions. May include supporting documentation such as copies of resolutions and memorandum or correspondence requesting opinion.

Retention: Permanent.

Note: Official/record copy of legal opinions with supporting documentation may be held by the department requesting opinion or by the municipal clerk.

See Also: For retention of legal opinions of the Attorney General's Office and the Ethics Commission, see GRS2.2 (Legal Opinions).

LG16.3 Labor/Union Records

Working file of the municipal solicitor, includes copy of agreement, reference materials relative to pensions/benefits, charts, budget worksheets, seniority lists, reports, exhibits, negotiations session notes and supporting documentation.

Retention: Retain for the life of the contract plus three (3) years.

Note: Official/record copy of union agreements and contracts are permanent records and may be held by another municipal department.

LG16.4 Litigation Records or Legal Case Files

Litigation or legal files involving claims, civil or criminal matters by or against the municipality or its employees. May include copies of summons, tort claims notices, copy of complaint, copies of reports and witness statements and statements of municipal officials or employees. May also include but is not limited to copies of physical evidence

inventory sheets, continuation sheets; reports, statements, correspondence, court transcripts, notes and memoranda, claims for payment/reimbursement due, reference materials, motions, copies of minutes, affidavits, arrest warrants and orders.

LG16.4A Routine Civil Cases That Do Not Result in Agency Policy Changes and to Not Involve Discrimination

Retention: Retain seven (7) years after final disposition of case.

LG16.4B Landmark Case Files That Result in Changes to Agency Policy and/or Procedures and May Include Discrimination Case Files

Retention: Permanent.

LG16.4C Discrimination Case Files

Retention: Retain four (4) years after final disposition of case.

LG16.4D Criminal Cases

Retention: Retain seven (7) years after final disposition of case.

LG16.4E Juvenile Cases Referred from Municipal Police Department or School Department to Family Court

Retention: Retain until minor reaches the age of 18 or three (3) years after adjudication, whichever is longer.

LG16.5 Workers Compensation Litigation Files

Case file regarding workers' compensation claims against the municipality. Includes, but is not limited to, copies of notice of hearing, employer's petition to review agreement or decree concerning compensation, answer to petition and memoranda. Includes copies of Employer's First Report of Injury and accident report forms.

Retention: Seven (7) years after final disposition of case.

LG16.6 Ordinances/Resolutions/State Legislation – Drafts

Working file of drafts for proposed ordinances, resolutions, and legislation (for submission to the General Assembly). May include notes,

research materials, copies of drafts submitted to municipal council/General Assembly and correspondence from municipal officials requesting a proposed ordinance, resolution, or bill.

Retention: Retain ten (10) years.

Note: Drafts of proposed ordinances and resolutions kept as part of the Council records under LG4.1 (Meetings and Hearings) are permanent records.

See Also: LG4.2.7 (State Legislation: Proposed).

LG16.7 Bankruptcy Claim Records

Records of taxpayer bankruptcies as notified by U.S. District Court and pertaining to the municipality's claim for a specific sum owed. Includes copies of federal petitions for bankruptcy, proof of claim and power of attorney forms, supporting documentation and correspondence.

Retention: Retain seven (7) years after final disposition.

See Also: LG2.3.9 (Bankruptcy Records).

LG16.8 Claims Files

Record of claims for purposes of tax collection. Records may include reports and lists of taxpayers that are delinquent on payment, affidavits, and collection status reports.

Retention: Retain seven (7) years after settlement.

Note: Official/record copy may be held by another municipal department such as Tax Collector or Finance Director.

See Also: LG2.3.15 (Claims Files) and LG1.4.6 (Claims).

LG16.9 Council Records

Solicitor's records relating to matters before any municipal council, board, committee or commission. May include notes, copies of ordinances, copy of council packet provided to council members, copies of dockets and agendas, copies of legislation/bills before the council, copies of draft resolutions, and memos to municipal solicitor from other departments relative to a specific resolution or ordinance.

Retention: Retain three (3) years.

See Also: For all municipal boards, commissions, committees, or councils, see LG4 (Municipal Board, Commission, Committee, and Council Meeting Records).

LG16.10 Bids

Bid files of the municipal solicitor or law department. Includes copies of bids, bid specifications, certificates of insurance of vendors, and bid acceptance letters.

Retention: Retain three (3) years.

See Also: For retention of official or record copies of purchasing records including bids and contracts, see LG 2.4.2 (Bids) and LG2.4.3 (Contracts).

LG16.11 Contracts

Copies of contracts or agreements (not union-related).

Retention: Retain for the life of the agreement or contract.

Note: Official/record copies of agreements and contracts are retained ten (10) years from date of expiration.

LG16.12 Billing and Time Records

Records of invoices for services performed on behalf of the municipality. May include supporting documentation such as correspondence and time records.

Retention: Retain six (6) years after completion of municipal audit.

LG16.13 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 (j), and 42-8.1-10)

Retention: Permanent.

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

LG16.14 Qualified Domestic Relations Orders (QDRO) Files

QDRO or comparable legal orders issued by Family Court are reviewed by the municipal solicitor on behalf of the municipality for compliance with ERISA (Employee Retirement Income Security Act) and other applicable federal and state laws relative to retirement or other benefits. May include but is not limited to copies of QDROs, copies of divorce decrees, and correspondence.

Retention: Retain until legal proceedings complete or three (3) years whichever is longer.

See Also: LG15.10.4 (Qualified Domestic Relations Orders).