

MINUTES
LOCAL GOVERNMENT RECORDS COMMISSION
July 22, 2003

The Local Government Records Commission met at 1:30 p.m. on July 22, 2003, at the Alabama Department of Archives and History. Members present were Ed Bridges, Chairman, representing the Department of Archives and History; Peggy Bates, City Clerk for the City of Pelham; Larry Bennich, Chairman, Morgan County Commission; Jeff Jakeman, representing Auburn University; Glenda Morgan, City Clerk for the City of Mobile; Alyce Robertson, representing the Attorney General; and Eliza Marshall, representing the Secretary of State. Other visitors present included Gregg Everett, representing the Alabama Hospital Association; Joe Campbell, Staff Attorney, representing the Huntsville Health Care Authority; Sharon Frith of the Secretary of State's Office; and ADAH intern Ken Barr.

Government Records staff present included Tracey Berezansky, Tom Turley, Frank Brown, Lyn Frazer, Becky Lapczynski, Kerry Pond, Chris Davidson, and Corlis Floyd.

Ed Bridges called the meeting to order and welcomed those present.

A motion to approve the minutes of the July 18, 2003, meeting was made by Glenda Morgan and seconded by Jeff Jakeman. The minutes were approved as submitted.

Old Business

- State Historical Records Advisory Board-Legislative Update (copy attached):

Frank Brown and Dr. Bridges reported that prospects for passing the HRAB legislation look promising for the upcoming legislative session. The bill would have come to a vote during the last session had Governor Riley's tax plan not taken precedence over all other pending legislation. The HRAB bill's sponsors in the House and Senate have agreed to reintroduce the bill when the legislature reconvenes.

- Procedural Leaflet: "Guidelines for the Preservation and Transfer of Agency Website Records" (copy attached):

Alyce Robertson made a motion to approve the leaflet as presented. Larry Bennich seconded the motion, and it was unanimously approved.

- Proposed Change in RDA Retention Period for Short-Term, Auditable Records:

Pending the expected late arrival of Linda Barrontine of the Examiners of Public Accounts, Tom Turley asked that the commission postpone acting on this item of business until later in the meeting.

Records Disposition Authority

- Health Care Authorities:

Tracey Berezansky reviewed the course of negotiations between ADAH staff and health care authority representatives over the past 2½ years in developing this RDA. At the most recent meeting (July 17), Mr. Everett and Mr. Campbell proposed additional changes to the draft RDA circulated to the commission before its July meeting. Some of these changes involved reducing retention periods for certain records and substituting an annual report by each health care authority for the records destruction notices normally required for local agencies. Mr. Campbell had drafted a proposed form for the authorities to use in annually reporting their records management activities. Following the July 17 meeting, the revised draft RDA and reporting form had been sent to the commission's members for review. Dr. Bridges noted, however, that the commission had not had time to review the most recent changes in detail, while the health care authorities represented by Mr. Everett and Mr. Campbell had not seen the changes made on July 17. He therefore suggested that the commission members should begin by asking questions and noting any problem areas, allowing Mr. Everett and Mr. Campbell to explain the reasons behind the changes they requested.

At the meeting on July 17, it had been proposed that the commission might provisionally approve the RDA but postpone its formal distribution pending final review by the health care authorities. Alyce Robertson expressed her unwillingness to adopt a document that was not complete and might need to be revised at the next meeting. Ms. Robertson suggested that the commission postpone approving the RDA until all areas of concern had been addressed by all parties and a final agreement had been reached.

A lengthy discussion ensued. Commission members found several areas of concern, including the following:

- (1) Changing the retention of Internal Policies and Procedures (7.01) from PERMANENT to two years. The health care authority representatives stated that policies documented in these records pertained to specific health care procedures, rather than broad administrative questions, and were therefore subject to frequent change. Broad administrative policies were approved by the authorities' boards. Mr. Campbell justified the two-year retention period by the two-year statute of limitations on initiating suits for malpractice. It was suggested that the two years should begin at the time of a policy's replacement..
- (2) Eliminating the minutes of "policy making committees" from RDA item 1.01a. The health care authority representatives responded that there were, in fact, no policy-making committees, as policy was made exclusively by the authorities' governing boards
- (3) Institutional History Files - Dr. Bridges discussed the value of a central gathering place for historical materials created by the hospital such as newsletters and publications.

(4) Employee Personnel Files (9.09) and Retirement Contribution Reports (9.08e). For other local government agencies, these records were recently reappraised for 25-year retention. Ms. Robertson, among other commission members, questioned the 5-year period requested in this RDA. Local records staff explained that the usual 25-year period was designed to assist former employees in verifying employment for retirement purposes for the approximate duration of their working life. Mr. Everett and Mr. Campbell said that, for health care authorities that participate in the state retirement system, long-term documentation of employment there should permit the short-term disposition of employee personnel files. It was agreed, after discussion, that authorities whose employees were not under the state retirement system might need to retain their files longer. Local records staff agreed to investigate the state retirement system's record-keeping practices to assist the commission in making a final determination on this matter. It was noted by the local records staff that any changes in retention should apply uniformly to all local government agencies.

(5) General Ledger/Trial Balance (8.03b). These records are normally appraised as permanent for agencies of local government, and several commission members expressed concern about the requested 5-year retention period. The health care authority representatives' justification was, in essence, that general ledgers/trial balances are too voluminous to maintain permanently. Dr. Jakeman responded that, from an appraisal standpoint, the fiscal and evidentiary value of these records might outweigh the difficulty of maintaining them. Ms. Morgan noted that general ledgers/trial balances maintained permanently by the City of Mobile are probably at least equally voluminous to those maintained by a local health care authority.

(6) Federal and State Grant Project Files (8.09). Ms. Morgan questioned why these records were deleted from the RDA. Dr. Bridges replied that Mr. Everett and Mr. Campbell had assured us that none of the local health care authorities now participated in these types of grant programs. Only UAB and USA create such records, and they are not subject to the present RDA.

(7) Eliminating the records destruction notice procedure and substituting an annual report that does not (like the annual reports required from state agencies) specify individual record series or the volume of records destroyed. Members of the commission expressed doubt that such a form would really make health care authorities accountable for what they are keeping or destroying. Mr. Everett and Mr. Campbell assured the commission that most authorities erred on the side of keeping records longer than was needed. They stated that holding individual hospital departments accountable for reporting which records were destroyed, and in what quantities, would impose an unreasonable burden, as records were destroyed on an almost daily basis. Also, health care authorities could not afford to hire, or assign, an employee to coordinate a hospital-wide records management program. Dr. Bridges felt that the Annual Report format is a reasonable accommodation for the unique circumstances of hospitals.

(8) Under the RDA's introduction and implementation instructions (pages 1 and 30 of the final draft), Ms. Robertson opposed removing language that cited the *Code of Alabama's* requirements for maintaining records, providing public access, and obtaining commission approval for des-

troying records. She offered to meet with the health care authority representatives to draft new language. Mr. Campbell made the argument that health care authorities are not subject to the open records law under their authorizing legislation. He also objected to the “bullet” on page 30 that specified occasions—such as after completion of an audit—when records destruction might reasonably occur. Dr. Jakeman responded that, while such a procedure made “good administrative sense,” this RDA bullet was intended to offer recommendations, not requirements.

As agreed at the beginning of the meeting, most of these outstanding questions were left unresolved. Members of the commission were invited to review the draft RDA more fully and to raise any additional questions they might have. Local records archivists will continue researching the various issues under discussion, while Mr. Everett and Mr. Campbell discuss the RDA with staff of the local health care authorities. During the next quarter, they will continue to meet with Government Records Division staff in order to develop a final version of the RDA, which the commission will consider at its meeting on October 23.

New Business

- Procedural Leaflet: “Making a Case for a Records Management Program” (copy attached):

Glenda Morgan made a motion to approve the leaflet as presented. Peggy Bates seconded the motion, and it was unanimously approved.

- Proposed Plan for Future Local Government Records Commission Activities (copy attached):

Tom Turley briefly discussed a staff plan for future Local Government Records Commission activities once RDA development is concluded and records disposition duties become less time-consuming. The plan outlined several new initiatives, such as: enlisting commission members to educate county and municipal officials about records issues, establishing a commission-sponsored awards program for achievements in local records management, and using the commission as a forum for discussing broader records issues. Dr. Turley encouraged commission members to offer any suggestions they might have to enhance the local program. After further review and discussion, the staff will offer a revised plan for action at the commission’s October meeting.

Lyn Frazer advised commission members that a records management workshop will be held at ADAH on August 20 for local government officials and staff. Over 40 people have registered for the workshop so far.

Since Linda Barrontine was still not present, Dr. Bridges informed the commission that the proposed change in the RDA retention period for short-term, auditable records would be carried over to the October meeting.

The next meeting of the Local Government Records Commission is scheduled for Thursday October 23, at 1:30 p.m. For planning purposes, the January meeting of the commission is scheduled for Thursday, January 22, 2004.

The meeting was adjourned at approximately 3:22 p.m.

Corlis Floyd, Secretary
Local Government Records Commission

Edwin C. Bridges, Chairman
Local Government Records Commission