

McClellan Development Authority



Records Disposition Authority

**Approved by the
Local Government
Records Commission
November 2, 2011**

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Functional and Organizational Analysis of the McClellan Development Authority

Sources of Information

Fort McClellan website: www.mcclellan.army.mil

McClellan Development Authority. *Articles of Incorporation*

McClellan Development Authority. *Document Retention Policies and Procedures Manual*

McClellan Development Authority website: www.exploremcclellan.com

Staff of the McClellan Development Authority

Historical Context

Established by Act 2009-337 (codified as Sections 11-92B-1 through 11-92B-28 of the Code of Alabama), the McClellan Development Authority (MDA) is tasked with “developing the real and personal property” of Fort McClellan, a closed military installation in Calhoun County, Alabama. The MDA took over the redevelopment of the Fort McClellan property from the defunct Joint Powers Authority (JPA), a board of local community leaders established in 1999 for the redevelopment and reuse of Fort McClellan. On March 3, 2010, the McClellan Development Authority was officially certified as a non-profit public corporation charged with the future economic development of the former US Army fort.

Agency Organization

The MDA Board of Directors consists of five members appointed by the Calhoun County Commission, five members appointed by the Anniston City Council, and one member appointed by the Governor of Alabama. Directors must be residents and duly qualified electors of Calhoun County or its municipalities and not hold any elective office.

Agency Function and Subfunctions

The mandated function of the McClellan Development Authority is to “to acquire, hold, improve, install, construct, own, lease, develop, perform environmental restoration and remediation, sell and otherwise dispose of the real and personal property of . . . [Fort McClellan] and all property in adjacent areas of close proximity to the Fort McClellan property” (*Articles of Incorporation of The McClellan Development Authority*, Article X). Its duties fall under the Economic and Community Development function identified for Alabama local government.

In the performance of its mandated function, the McClellan Development Authority may engage in the following subfunctions:

- **Developing and Reusing Fort McClellan and Adjacent Property.** The MDA documents the acquisition, improvement, installation, construction, ownership, rental, development, environmental restoration and remediation, commercial transaction, and disposal of the land

formerly constituting Fort McClellan and adjacent property. This subfunction includes all operational activities and records of the MDA, although policy-related records are listed under the “managing the agency” subfunction below.

- **Administering Internal Operations.** A portion of the work of the McClellan Development Authority includes general administrative, financial, and personnel activities performed to support its operations. They include:

Managing the agency: Activities include internal office management activities common to most government agencies, such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing finances: Activities may include budgeting (preparing and reviewing a budget package, submitting the budget package to the board of directors, documenting amendments and performance of the budget, and reporting on established budget categories); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, accounting for expenditures, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency’s budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; assisting in the audit process; investing; and issuing bonds.

Managing human resources: Activities may include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits such as leave, health insurance, unemployment compensation, worker’s compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, promoting, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; and disciplining.

Managing properties, facilities, and resources: Activities may include: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities, leasing and/or renting offices or facilities; providing security for property owned by the agency; insuring property; and assigning, inspecting and maintaining agency property, including vehicles and other equipment.

Record-Keeping System and Records Appraisal of the McClellan Development Authority

Agency Record-Keeping System

The McClellan Development Authority operates a hybrid system composed of paper and electronic records. It uses an HP Storage Ultrium 920 server and Yosemite Server back-up software. Back-ups are performed daily, weekly, monthly, and semi-annually. The monthly and semi-annual back-ups are rotated off-site.

Records Appraisal

In creating the procedures manual on which this RDA is based, the MDA consulted LGRC-approved RDAs for counties and municipalities, which are available on the ADAH website. All records retention periods listed in its manual met or exceeded those set forth in similar local government RDAs. ADAH local records staff acquiesced in cases where the MDA desired to retain records longer than called for in other RDAs.

The MDA's manual attempted to "reserve the right to revoke, change, or supplement these [retention] guidelines without notice" and entirely upon its own authority. Obviously, the LGRC cannot approve a document that denies its jurisdiction over the affected records; therefore, the third section of this RDA retains the usual paragraph asserting the commission's authority under Sections 41-13-22 through -24 of the Code of Alabama. Other goals and procedures set forth in the MDA manual were generally compatible with LGRC/ADAH policies and guidelines, so they have been retained under the non-standard heading "Purpose."

The following is a discussion of the two major categories of records created and/or maintained by the McClellan Development Authority: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal, and administrative requirements have been met. One of the temporary records created by the department is discussed below:

Landfill Records. Sanitary landfills are monitored by the Alabama Department of Environmental Management (ADEM), and their record keeping is governed by Chapter 335.13-4-.29 of the Alabama Administrative Code. Landfill records include permits, operational records, engineering drawings; closure and post-closure care plans, and explosive gas and groundwater monitoring and correction plans. When a local landfill closes, ADEM purportedly retains its final records permanently, but the agency does not require localities to keep closed landfills' engineering drawings or final closure and groundwater monitoring plans. Thus, the MDA is required to keep landfill records until they are released by ADEM.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Developing and Reusing Fort McClellan and Adjacent Property

Building and Property Documents. These records document the ownership of land and roads. They contain legal descriptions, right-of-way, and locations. They include final survey maps, plats, photographs, project plans, specifications, and drawings.

Deeds to MDA Property. These are the original deeds to the property. The MDA prefers to maintain them permanently, even though the Calhoun County Probate Office maintains scanned copies.

Environmental Services Cooperative Agreement (ESCA). The Environmental Services Cooperative Agreement is part of the standard procedures that occur with the Army decommissions former military installations. Under the agreement, the MDA assumes responsibility for the environmental services to the land which formerly made up Fort McClellan. The environmental services will be conducted by ADEM. The Army provides the funding and project oversight for the work.

Administering Internal Operations—Managing the Agency

Administrative Correspondence. This correspondence documents the formulation of rule-making decisions by the MDA Board of Directors or Staff.

Minutes, Meeting Agendas, and Packets. These records include the official minutes of MDA Board meetings, along with the agenda of topics to be discussed at the meeting and any attachments or other documents provided to Board members.

Resolutions. These records include MDA Board policies and procedures, annual budgets, regulatory actions, and other documents upon which action has been taken.

Historical and Publicity Files. These records include news releases, newsletters, brochures, periodicals, and photographs.

Administering Internal Operations—Managing Finances

Approved Annual Budget Records. These records include final MDA annual budgets approved by the MDA Board of Directors.

Annual Financial Reports. At the end of each fiscal year, a summary statement of the MDA's finances is included in the MDA Board minutes.

Audit Reports. These records document the MDA's overall financial condition, and the findings of the Examiners of Public Accounts and private accounting firms, during each audit period.

Grant Project Files. Final narrative reports are submitted according to the requirements of the funding agency. They summarize the goals of the grant, how the money was used, and what was accomplished.

Payroll Records. These records include payroll deductions for tax purposes, payroll action forms, retirement contributions, and all other deductions withheld from the pay of employees.

McClellan Development Authority Permanent Records List

Developing and Reusing Fort McClellan and Adjacent Property

1. Building and Property Documents
2. Deeds to MDA Property
3. Environmental Services Cooperative Agreements (ESCA)

Administering Internal Operations—Managing the Agency

1. Administrative Correspondence
2. Minutes, Meeting Agendas, and Packets
3. Resolutions
4. Historical and Publicity Files

Administering Internal Operations – Managing Finances

1. Approved Annual Budgets
2. Annual Financial Reports
3. Audit Reports
4. Grant Project Final Narrative Reports

Administering Internal Operations—Managing Human Resources

1. Payroll Records

McClellan Development Authority Records Disposition Authority

This records disposition authority (RDA) is issued by the Local Government Records Commission under authority granted by the Code of Alabama 1975, Section 41-13-5 and 41-13-22 through -24. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the McClellan Development Authority. The RDA lists records created and maintained by the McClellan Development Authority in carrying out its mandated function and subfunctions. It establishes retention periods and disposition instructions for those records and provides the legal authority for the authority to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their office. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successors in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Section 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334)242-4452, or at records@archives.alabama.gov.

Purpose

This RDA is intended to enable the efficient management of economic development activities and to provide clear guidance to the McClellan Development Authority staff. The RDA specifies how documents (hard copy, online, and other media) should be retained, protected, and eligible for destruction. It also ensures that documents are properly provided to authorities in the course of legal investigations or lawsuits. The goals of this RDA are:

- To retain and maintain records that will provide full and detailed information regarding the activities and business carried out by the MDA;
- To destroy documents that are no longer necessary to the proper functioning of the MDA;
- To organize important documents for efficient retrieval; and
- To ensure that MDA staff know what documents should be retained, the length of their retention and means of storage, and when and how they should be destroyed.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of records created by McClellan Development Authority. Copies of superseded schedules are no longer valid and may not be used for records disposition.

- This RDA establishes retention and disposition instructions for records created by the McClellan Development Authority. It does not require the creation of any record not normally created in the conduct of business, although the creation of certain records may be required by the authority's administrative procedures, work responsibilities, audit requirements, or legislative mandates.
- This RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Certain other record-related materials that do not materially document the work of an agency may be disposed of under this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; and (2) transitory records, which are temporary records created for short-term, internal purposes that may include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of materials sent for informational purposes but not needed by the receiving office for future business; and internal communications about departmental social activities. They may be disposed of without documentation of destruction. Other items that may be disposed of without documentation of destruction include: (1) catalogs, trade journals, and other publications received that require no action and do not document activities; and (2) stocks of blank stationery, blank forms, or other surplus printed materials that are not subject to audit and have become obsolete.

Records Disposition Requirements

This section of the RDA is arranged by functions of the McClellan Development Authority and lists records created and/or maintained by the authority in carrying out those subfunctions. The McClellan Development Authority may submit requests to add or revise specific records disposition requirements to the Local Government Records Commission for consideration at its regular quarterly meetings.

Developing and Reusing Fort McClellan and Adjacent Property

Unconsummated Property Purchase Proposals. These records include correspondence, proposal information packages, letters of intent that have been denied or withdrawn.

Disposition: Retain 3 years.

Landfill Records. These records include those required by ADEM for management of sanitary landfills. Permits, operational reports, care plans, monitoring and correction plans.

Disposition: Retain until released by ADEM.

Building and Property Documents. These records document the ownership of land and roads. They contain legal descriptions, rights-of-way, and locations. They include final survey maps, plats, photographs, project plans, specifications, and drawings.

Disposition: PERMANENT RECORD.

Deeds to MDA Property. These are the original deeds that document the MDA's ownership of real property. Deeds are permanently indexed by the Calhoun County Probate Office.

Disposition: PERMANENT RECORD.

Environmental Services Cooperative Agreement (ESCA). The MDA shall afford any authorized representative of the Army, the Department of Defense, or the Comptroller General, or other officially concerned Federal government agency, access to and the right to examine all records books, papers, and documents, including records in automated forms ("Records"), that are within the MDA's custody or control and that relate to its performance under the ESCA. This right of access to records shall not include attorney/client communications, attorney work product, or other legally privileged documents. The MDA shall retain all such records intact in such form, if not original documents, as may be approved by the Army or other officially concerned agency, which approval shall not be unreasonably withheld, for at least thirty (30) years following completion or termination of the ESCA or transfer all such records into Army custody. Access to the MDA's records will be during normal business hours, and the Army or other officially concerned federal government agency will give the MDA seventy-two (72) hours prior notice of its intention to examine MDA's records, unless the Army or other concerned federal government agency determines that more immediate entry is required by special circumstances. The MDA will have no claim due to such entries against the Army or other officially concerned government agency, or any officer, agent, employee, or contractor thereof.

Disposition: PERMANENT RECORD.

Administering Internal Operations—Managing the Agency

Administrative Correspondence. This correspondence documents the formulation of rule-making decisions by the MDA Board of Directors or Staff.

Disposition: PERMANENT RECORD.

Minutes, Meeting Agendas, and Packets. These records include the official minutes of MDA Board meetings, along with the agenda of topics to be discussed at the meeting and any attachments or other documents provided to Board members.

Disposition: PERMANENT RECORD.

Audio Recordings of Meetings. These recordings provide a verbatim account of debate and public input at meetings of the Board and Board Committees. They are intended to be used only as an aid to preparation of the official minutes (which are retained permanently as described above).

Disposition: Retain until official minutes are approved.

Resolutions. These records include MDA Board policies and procedures, annual budgets, regulatory actions, and other documents upon which action has been taken.

Disposition: PERMANENT RECORD.

Historical and Publicity Files. These records include news releases, newsletters, brochures, periodicals, and photographs.

Disposition: PERMANENT RECORD.

Legal Case Files. These records document lawsuits filed by or against the MDA.

Disposition: Retain 6 years after the case is closed by appropriate Court action. Disposal must be coordinated with MDA General Counsel.

Complaint Files/Unlitigated Claims for Damages. These records document damage claims against the MDA that are resolved without litigation.

Disposition: Retain 6 years after settlement or denial of complaint or claim.

Mailing/Telephone/Email Lists. These records include various standard lists of names and addresses used by the MDA.

Disposition: Retain for useful life.

Calendars. These records include desk calendars and other scheduling devices for MDA staff.

Disposition: Retain 1 year.

Administering Internal Operations—Managing Finances

Approved Annual Budget Records. These records include final MDA annual budgets approved by the MDA Board of Directors.

Disposition: PERMANENT RECORD.

Records documenting budget performance during the budget cycle. These records include budgeted and actual revenue reports, expenditure reports, encumbrance reports, etc.

Disposition: Retain 7 years following each annual audit.

Annual Financial Reports. At the end of each fiscal year, a summary statement of the MDA's finances is included in the MDA Board minutes.

Disposition: PERMANENT RECORD.

Audit Reports. These records document the MDA's overall financial condition, and the findings of the Examiners of Public Accounts and private accounting firms, during each audit period.

Disposition: PERMANENT RECORD.

Accounting Records. These are records of original entry or other routine accounting transactions, including journals, registers, ledgers, bank statements, deposit slips, cancelled checks. Not to include payroll records.

Disposition: Retain 5 years.

General Ledgers and Detailed year-end Trail Balances. These are records of final entry for all financial transactions: collecting revenue; purchasing; investing; administering state, local, and federal funds; and general accounting.

Disposition: Retain 10 years after the end of the fiscal year in which the record was created.

Purchasing Records. These records document the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products.

Disposition: Retain 5 years.

Contracts, Leases, and Agreements. These records document the negotiation, fulfillment, and termination of all contracts, leases, and agreements entered into by the MDA, including final contracts that are subject to the bid process.

Disposition: Retain 10 years after expiration of the contract. Disposal should be coordinated with MDA General Counsel.

Records of Formal Bids. These records document the bid process, including the MDA's requests for proposals and unsuccessful responses from service vendors.

Disposition: Retain 7 years after the date bids were opened.

Grant Project Files. These records document the MDA's application for and conduct of grant projects funded by local, state, federal, or private sources.

Disposition:

- a. Financial records, interim reports, and supporting documentation. These records include background materials, interim narrative reports, financial reports, and any other supporting documentation for grants awarded. Also included are records relating to unsuccessful grant applications.

Disposition: Retain 6 years after submission of final report or denial of application.

- b. Final narrative reports. Final narrative reports are submitted according to the requirements of the funding agency. They summarize the goals of the grant, how the money was used, and what was accomplished.

Disposition: PERMANENT RECORD.

Administering Internal Operations—Managing Human Resources

Employment Applications. These are applications by individuals for employment in MDA positions.

- Successful applications
Disposition: Retain in employee personnel file.
- Unsuccessful applications
Disposition: Temporary Record. Retain 3 years.

Employee Personnel Files. These records document each MDA employee's work history, training, performance evaluations, disciplinary actions, promotions and demotions, awards, leave and salary.
Disposition: Retain 6 years after separation of employee.

Employee Work Schedules. These records document the daily and weekly work schedules of all MDA employees.

Disposition: Retain 2 years following audit.

Employee Leave and Attendance Records. These records document the attendance and leave status of MDA personnel.

Disposition: Retain 6 years after separation of employee.

Payroll Records. These records include payroll deductions for tax purposes, payroll action forms, retirement contributions, and all other deductions withheld from the pay of employees.

Disposition: PERMANENT RECORD.

Administering Internal Operations—Managing Properties, Facilities, and Resources

Annual Inventory Records. These records document all personal property, equipment, or capital outlay by the MDA on an annual basis.

Disposition: Retain 2 years following audit.

Assessment Records. These are copies of records that document the assessed value of real property. Assessments are held permanently by the Calhoun County Property Assessor's office. The MDA maintains only the latest update of each assessment.

Disposition: Retain as reassessed.

Insurance Policies. These records document all insurance policies carried by the MDA.

Disposition: Retain 10 years after the end of the fiscal year in which the policy was terminated.

Vehicle and Equipment Ownership and Maintenance Files. These records document the maintenance of all vehicles and other equipment owned or maintained by the MDA.

Disposition:

- a. Ownership Records (titles, bills of sale, etc.)
Disposition: Retain 2 years following the audit period in which equipment or vehicle is removed from inventory.
- b. Maintenance files (work orders, repair records, and related financial records)
Disposition: Retain 2 years following audit.

Requirement and Recommendations for Implementing the McClellan Development Authority Records Disposition Authority

Under the Code of Alabama 1975, Section 41-13-23, “no county, municipal, or other local government official shall cause any . . . record to be destroyed or otherwise disposed of without first obtaining the approval of the local government records commission.” This RDA constitutes authorization by the Local Government Records Commission to dispose of records as stipulated, with the condition that the responsible official must submit a Local Government Records Destruction Notice to the ADAH Government Records Division to document the destruction. The ADAH, which serves as the commission’s staff, retains local records destruction documentation as a permanent record. (For more information, see the ADAH procedural leaflet *Records Destruction Procedures for Local Governments*.)

In addition to authorizing a procedure for legally destroying outdated temporary records of the McClellan Development Authority, the Local Government Records Commission urges the authority to establish a quality record-keeping program that will meet its legal and public service needs. Such a program should include the following activities.

- The McClellan Development Authority should designate a records officer who will be responsible for ensuring the regular implementation of this RDA, maintaining records in compliance with national and state standards, and coordinating the destruction of disposable records.
- Permanent records in the authority’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur office-wide on a regular basis: for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Hard copy documents will be destroyed by shredding only after they have reached the end of the applicable retention period. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The authority should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the authority chooses to maintain a record solely in electronic format, it should employ an electronic records management system that is capable of tying retention and disposition instructions to records in the system and of purging temporary records when their retention period expires. The authority is committed to funding any system upgrades and migration strategies necessary to ensure the record’s preservation and accessibility for the period legally required.
- Electronic mail may contain permanent, temporary, or transitory record information. Although e-mail records can be printed out, filed, and retained according to the RDA’s requirements, the authority should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.

- Microforms of permanent records should conform to quality standards set by the American National Standards Institute (ANSI) and the Association for Image and Information Management (AIIM). Under the Code of Alabama 1975, Sections 41-13-40 through -44, microfilm of public records, “when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record....” No microfilmed record may be legally destroyed “until the microfilm copy has been processed and checked with the original for accuracy.” Government Records Division staff may examine agency microfilm for compliance prior to destruction of the original records.
- The authority should notify the ADAH Government Records Division if a new records officer is appointed or if other significant changes occur in its records storage conditions or records management procedures. It may also contact the division to request revision of this RDA. Normally, RDA revisions will be submitted to the Local Government Records Commission every two years.
- The staff of the Local Government Records Commission may examine the condition of permanent records maintained in the custody of the McClellan Development Authority and inspect records destruction documentation. Government Records Division archivists are available to train authority staff in RDA implementation or otherwise assist the authority in implementing their records management programs.

The Local Government Records Commission adopted this Records Disposition Authority on November 2, 2011.

By: _____ Date: _____
Chairman, Local Government Records Commission

By: _____ Date: _____
Chairman, McClellan Development Authority Board
of Directors