

**MINUTES**  
**STATE RECORDS COMMISSION**  
**October 26, 2005**

The State Records Commission met on Wednesday, October 26, 2005, at 10:00 a.m. in the auditorium at the Alabama Department of Archives and History. Members present were Ed Bridges, Chairman, representing the Department of Archives and History; Bill Garrett, representing the Attorney General; Joe Turrini, representing Auburn University; John Norris, representing the Examiner of Public Accounts; Eliza Marshall, representing the Secretary of State; and Margie Toney, representing the Department of Revenue. Also present were Nicole Robinson, representing the Board of Public Accountancy; Samantha Grant, representing the Department of Conservation; Jeffery Becraft, representing the Alabama Board of Heating & Air Conditioning Contractors; Doug Lunsford, representing the State Personnel Department; Steve DuBose, Ella Jones, and Brenda Luloff, representing the Department of Revenue; and Ed Packard, representing the Secretary of State.

Government Records staff members present included Tracey Berezansky, Richard Wang, Chris Davidson, Tom Turley, Frank Brown, and Corlis Floyd.

Ed Bridges called the meeting to order by summarizing the purpose, responsibility, and composition of the commission, and welcomed those present.

A motion to accept the minutes of the August 3, 2005, meeting was made by John Norris, and seconded by Bill Garrett. The minutes were unanimously approved.

**New Business**

- Records Destroyed by Natural Disaster - Gadsden State Community College, Alabama State Port Authority (copy attached)

Richard Wang informed the commission of telephone calls he and Tracey Berezansky received from representatives of Gadsden State Community College and the Alabama State Port Authority reporting records the agencies lost as a result of Hurricane Katrina. Both agencies submitted letters to the commission outlining the damage that occurred. Gadsden State reported approximately four cubic feet of bid files were damaged by water beyond recovery and therefore destroyed. The State Port Authority was unable to provide an inventory of the type or amount of records lost, only that the records had been stored in building #50 which flooded.

Dr. Bridges acknowledged John Norris of the Examiners who requested the opportunity to discuss an additional item of new business. Mr. Norris informed the commission of the recently enacted Open Meetings Act wherein all state agencies, boards, commissions, etc., are required to notify the Secretary of State's office, at least seven days in advance, of any scheduled public meetings. The Secretary of State's office has created a web page that lists all such meeting announcements, will verify receipt of agency notification by return email, and will retain all meeting notifications for a period of five years.

On behalf of the Examiners's office, Mr. Norris suggested that the commission review the possibility of requiring all agencies to maintain the email notification from the Secretary of

State's office as part of the meeting minutes for audit and legal purposes. Dr. Bridges asked if sufficient retention of the email notification would be "after the completion of the audit." Bill Garrett was asked if a statute of limitations existed for Board/Commission actions. After a lengthy discussion, the commission decided to allow ADAH staff and the Attorney General's office to research the matter in detail and report their findings at the January meeting.

In the meantime, Ms. Berezansky suggested that ADAH post on its website a notice informing agencies of the necessity to comply with the requirements of the Open Meetings Act with respect to maintaining meeting notification.

Mr. Norris also agreed to have his colleagues assist ADAH staff in reviewing and revising an ADAH procedural leaflet entitled "Guidelines for Taking Formal Meeting Minutes," to include any revisions that need to be made to comply with the Open Records Law.

A motion to approve a notice being posted on the ADAH website was made by John Norris, and seconded by Joe Turrini, and was unanimously approved by the commission.

- Agency Annual RDA Implementation Monitoring Reports (copy attached):

Staff members provided the commission with a summary report outlining the records management activities of those agencies with RDAs approved in previous Octobers. Agencies that submitted reports are: Alabama State Board of Public Accountancy, Board of Examiners of Assisted Living Administrators, Alabama State Bar, Alabama State Board of Chiropractic Examiners; Alabama Department of Conservation and Natural Resources, Board of Cosmetology, Board for Licensure for Professional Engineers and Land Surveyors, State Ethics Commission, Governor's Office of Faith Based and Community Services, Department of Finance-Division of Printing and Publications, Board of Licensure for Professional Geologists, Alabama Board of Heating & Air Conditioning Contractors, Alabama State Board of Registration for Interior Design, Alabama Licensure Board for Interpreters and Transliterated, Department of Labor, Alabama Board of Pardons and Paroles, State Pilotage Commission, Department of Examiners of Public Accounts, Board of Social Work Examiners, Department of Veterans Affairs, and Board of Veterinary Medical Examiners.

Agencies that have not yet submitted reports are: Historical Commission, Board of Massage Therapy, Alabama Board of Podiatry, Alabama Real Estate Appraisers Board, and Board of Tourism and Travel.

As a helpful working tool for examiners conducting compliance audits, Mr. Norris asked if ADAH could provide, on its website, a list of all agencies that submit their annual reports as well as a list of agencies who have not submitted a report. Ms. Berezansky agreed to provide such a listing on the ADAH website.

#### **Records Disposition Authorities** (Minor Revision)

- Department of Revenue (copy attached):

A motion to approve the RDA revision for the Department of Revenue was made by Margie Toney, and seconded by Bill Garrett, and was unanimously approved by the commission.

**Records Disposition Authorities** (Major Revision)

- Alabama Licensure Board for Interpreters and Transliterators:

A motion to approve the RDA revision for the Alabama Licensure Board for Interpreters and Transliterators was made by John Norris, and seconded by Ms. Toney, and was unanimously approved by the commission.

**Records Disposition Authorities** (New)

- Office of the Secretary of State:

A motion to approve the RDA for the Office of the Secretary of State was made by Mr. Norris, and seconded by Eliza Marshall, and was unanimously approved by the commission.

**Dates for Future Meetings**

The next meeting of the State Records Commission is scheduled for Wednesday, January 25, 2006, at 10:00 a.m. For planning purposes, the April meeting of the commission is scheduled for Wednesday, April 26, 2006.

For informational purposes, Dr. Bridges updated the commission on the first meeting of the recently appointed Alabama Open Records Study Task Force. Representatives from the Archives attended the meeting and submitted a document (copy attached) outlining the following records issues for discussion by the task force:

1. The current definition of a record.
2. To be accessible, government records must be maintained in accordance with appropriate records maintenance requirements. Records that are improperly removed or destroyed are in effect inaccessible.
3. A significant barrier to access is the fact that an appeal to the courts is the only recourse for someone who is denied access to a government record.
4. For historical research purposes, access would be significantly improved by the establishment of a fixed period after which any record maintained in the collections of the Department of Archives and History may be opened for research use.

Dr. Bridges reported that five different working committees were established within the task force to further research and address specifics of the issues discussed. Plans to submit final reports and recommendations are scheduled for the 2007 legislative session.

Mr. Norris commented on the need for specific guidelines to be established for agencies to

follow with respect to electronic records format and suggested that the task force might consider addressing this important issue as well.

The meeting was adjourned at 10:47 a.m.

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Corlis Floyd, Secretary  
State Records Commission

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Edwin C. Bridges, Chairman  
State Records Commission