

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~CITY~~ of Niagara
~~TOWN~~
~~VILLAGE~~

Local Law No. 8 of the year 19 96

A local law Providing for the Creation of a Records Management Program in the
(Insert Title) County of Niagara

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County
~~CITY~~ of Niagara as follows:
~~TOWN~~
~~VILLAGE~~

A LOCAL LAW PROVIDING FOR THE CREATION OF A RECORDS MANAGEMENT PROGRAM IN THE COUNTY OF NIAGARA

Section I. Records Management Program

A. The Niagara County Legislature hereby establishes a Records Management Program to administer the non-current and archival public records for the County of Niagara in accordance with local, state, and federal laws and regulations.

B. There is hereby created a Records Management Officer who shall be the County Clerk of the County of Niagara.

Section II. Powers and Duties of Records Management Officer

A. The Records Management Officer shall oversee the following duties:

1. Survey and examine public records to recommend their proper classification in order to determine the most suitable methods to be used for the maintenance, storage, and servicing of records in his/her custody.

2. Propose guidelines for proper records management in any department or agency of County government in accordance with local, state, and federal laws and regulations.

3. Review all requests for records storage equipment, microfilm equipment, and related items, and coordinate and participate in planning for the development of micrographics and automated data processing systems.

B. The Records Management Officer shall have all of the necessary powers to oversee the efficient administration, determination of value, use, preservation, storage, and disposition of the non-current and archival public records kept, filed, or received by the officers and departments of the County of Niagara.

Section III. Records Advisory Board

A. The Niagara County Records Management Advisory Board, created by Resolution # 230-88, as amended by Resolution # AD-0009-96, for the purpose of guiding and supporting the Records Management Program of Niagara County to ensure compliance with records management and archival practices throughout all County departments, shall be continued and chaired by the Records Management Officer and shall consist of the following:

1. Two (2) members of the Niagara County Legislature
2. Clerk of the Legislature
3. County Historian
4. Data Processing Director
5. Abstract title company representatives
6. Legal community representative
7. Citizen representative from the community
8. County Clerk office staff.

B. The Board shall meet periodically and shall have the following powers and duties:

1. Make recommendation of policies and procedures to the Records Management Officer and advise him/her regarding their implementation.

2. Review the performance of the Records Management Program on an ongoing basis and propose changes and improvements.

3. Review retention periods proposed by the Records Management Officer for records not covered by the State Archive's schedules.

4. Provide advice on the appraisal of records for archival value.

Section IV. Custody of Records

County department heads shall retain constructive control and authority over all records of their departments. Each department head shall appoint a Records Management Coordinator who shall be familiar with records activity of their respective department. They will coordinate the records management activity with the Records Management Officer and

shall implement within their department the policies and procedures promulgated by the Records Management Officer.

Section V. Disposal of Records

No records shall be destroyed or otherwise disposed of by a department of the County unless approval has been obtained from the Records Management Officer. No records shall be destroyed or otherwise disposed of by the Records Management Officer without the written consent of the department head having authority for said records.

Section VI. Definitions

A. For the terms of this Local Law, the following terms shall have the respective meanings hereinafter set forth:

1. "Archives" means those official records which have been determined by the Records Management Officer and Records Advisory Board to have sufficient historical or other value to warrant their continued preservation by the County.

2. "Records management" means the planning, controlling, directing, organizing, training, promotion, and other managerial activities involved in records maintenance, use, and disposition, including records preservation and disposal at records centers or other storage facilities.

3. "Record" means any book, paper, map, photograph, or other information-recording device, regardless of physical form or characteristics, that is made, produced, executed, or received by any County department or officer pursuant to law or in connection with the transaction of public business. "Record" as used herein shall be deemed to include library materials, extra copies of documents created only for the convenience of reference, and stocks of publications.

4. "Retention period" means the minimum length of time that must elapse before a records is eligible for disposition.

5. "Records retention and disposition schedule" means a list or other instrument describing records and their retention periods which is issued by the New York State Commissioner of Education.

6. "Disposition" means the disposal of a record by destruction, sale, gift, transfer to the County archives, or by other authorized means.

7. "Servicing" means making records which are the property of a particular agency available to the agency for official use, as well as making non-confidential or historical records available to the public.

B. The definitions set forth herein shall, at all times, be interpreted and construed in a manner consistent with the provisions of Article 57-A of the Arts and Cultural Affairs Law, otherwise known as the Local Governments Records Law.

Section VII. Savings Clause

Nothing contained herein shall be construed as modifying, transferring, or abolishing the power, duty, or authority of the County Legislature, any County department or its head, or any other elected or appointed official.

Section VIII. Effective Date

This Local Law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 8 of 19 96 of the (County)(~~City~~)(~~Town~~)(~~Village~~) of Niagara was duly passed by the County Legislature on October 15, 1996, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19 ____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19 ____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Thomas M. Jaccarino
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: 10-16-96

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Niagara

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature
Assistant County Attorney
Title

County
~~XXXX~~ of Niagara
~~XXXX~~
~~XXXX~~

Date: 10-16-96