

RESOLUTION NO. 2023-02-01

**A RESOLUTION ESTABLISHING AN RECORDS RETENTION POLICY FOR THE
TOWN OF WELLSTON IN COMPLIANCE WITH OKLAHOMA STATE LAW**

WHEREAS, the Town [“the Town’] of Wellston must comply with the Oklahoma Open Records Act (“ORA”), 51 O.S. §§24.A.1-24.A.32; and

WHEREAS, the Town must manage these records according to state and federal laws, *Id.* at § 24A.4; and

WHEREAS, because of related costs, a municipality in Oklahoma may have a retention policy as stated in 11 O.S. § 22-131 to destroy records no longer needing to be retained; and

WHEREAS, because federal laws mandate certain records retention by municipalities. *See, e.g.,* <https://rrhrpa.shrm.org/sites/rrhrpa.shrm.org/files/Federal%20Record%20Retention%20Requirements.pdf>; and

WHEREAS, The Town may, by resolution, authorize the disposal, archival storage or destruction of the original records and papers before the expiration of the retention period;

THE COUNCIL OF THE TOWN OF WELLSTON, OKLAHOMA, HEREBY ENACTS THIS PUBLIC RECORDS AND RETENTION POLICY, EFFECTIVE IMMEDIATELY:

I. DEFINITION OF RECORDS: The Town defines a “record” as:

all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property

II. RETENTION OF RECORDS: The Town shall retain all records in digital form in perpetuity on a computer not connected with the Internet or at an offsite location. The head of any

municipal department, commission, bureau or board may have any or all records kept by the official, department, commission, bureau or board photographed, microphotographed, photostated, reproduced on film or stored on optical disk. The Town may be able to destroy hard copies of the following records in the following times and manner, **unless otherwise prohibited by state or federal law:**

A. A municipal governing body may destroy, sell for salvage or otherwise dispose of the following papers, documents and records after the expiration of the specified period of time following the end of the fiscal year in which the paper, document or record was created, except as otherwise specified:

1. One (1) year: parking citations may be destroyed or otherwise permanently disposed of one (1) year after the date of issuances;
2. Two (2) years: municipal court warrants, water, sewer, garbage and utility receipts and statements, which have been previously audited; inspection records relating to water meters and sewer inspections; miscellaneous petitions and letters addressed to the governing body on matters other than pertaining to the items hereinafter set forth; utility billing ledger or register; utility cash receipts ledger or register; and utility accounts receivable ledger or register. Fire run contracts may be destroyed or otherwise disposed of two (2) years after their expiration;
3. Five (5) years: successful and unsuccessful bids for the purchase or furnishing of equipment, material and improvements; inspection records except as provided for in paragraph 2 of this section; claims that have been denied; license applications; bonds; special, primary and general election payrolls; election tabulations and returns; withholding statements; garnishment records; traffic tickets and receipts; bond receipts and fine receipts; information and complaints; court

dockets; paid general obligation and revenue bonds; paid street improvement, sewer and sidewalk district bonds; warrants; claims; checks; vouchers; purchase orders; payrolls;

4. Ten (10) years: inventories; appropriation ledgers; sidewalk assessment records, except payment records; cash receipt book or register for the general fund, the street and alley fund, any bond fund or sinking fund and all other trust funds that have been audited; and

5. Fifteen (15) years: sewer and improvement district records, except payment records.

None of the above-mentioned records, papers or documents pertaining to pending litigation shall be disposed of until such litigation is finally terminated. This section shall not be construed to authorize or allow the destruction of any testing laboratory results or the inspection records of public improvements of a municipality.

B. Time limits for the destruction, sale, or other disposition of municipal papers, documents and records which are not mentioned in subsection A of this section may be determined and set by resolution or resolution of the municipal governing body.

Further, any Town Office shall maintain the records named in this resolution or the period of time provided in this resolution, after which time the records may be destroyed according to the destruction schedule.

If a record is photographically or electronically transferred to other media of a permanent nature, the original document may be destroyed, except that a handwritten record over fifty (50) years old shall not be destroyed.

A Town record that is photographically transferred to other media of a permanent nature shall be transferred by a process that accurately reproduces or forms a durable medium for reproducing the original.

When Town records are transferred to other media of a permanent nature, the resulting transfer shall meet the following requirements:

(1) The information in the Town record retained shall be transferred into a usable and accessible format capable of accurately reproducing the original over the time periods specified in this Resolution;

(2) Operational procedures shall ensure that the authenticity, confidentiality, accuracy, reliability, and appropriate level of security are provided to safeguard the integrity of the information in the Town record;

(3) Procedures shall be available for the backup, recovery, and storage of records to protect the records against media destruction or deterioration and information loss; and

(4) A retention conversion-and-review schedule shall be established to ensure that electronically or optically stored information is reviewed for data conversion at least one (1) time every four (4) years or more frequently when necessary to prevent the physical loss of data or loss due to technological obsolescence of the medium.

(d) Before any record is destroyed, the custodian of the record shall document the date and type of document.

III. RECORDS MANAGEMENT OFFICE The Town shall retain the Town Clerk, Town Treasurer, or the Town Administrator and the successive holders of said offices to serve as Records Management Officer for the Town of Wellston.

Sec. 1. Duties and Responsibilities of Department Heads. In addition to other duties assigned in this resolution, department heads shall:

(A) carry out the policies and procedures established in the Town of Wellston for the efficient and economical management of records and in carrying out the requirements of this resolution.

(B) adequately document the transaction of government business and the services, programs and duties for which the department head and his or her staff are responsible; and

(C) maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the Town of Wellston and the requirements of this resolution.

Sec. 2. Records Control Schedules to be Developed; Approval; Filing with State When Necessary.

(A) Department heads shall prepare records control schedules on a department-by-department basis listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of Town records as the records management plan may require.

(B) Each records control schedule shall be monitored and amended as needed on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the record keeping procedures and need of the department and the records management program of the Town of Wellston.

Sec. 3. Implementation of Records Control Schedules; Destruction of Records Under Schedule.

(A) Records control schedule for a department that has been approved and adopted shall be implemented by department heads according to the policies and procedures of the records management plan.

(B) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit.

Sec. 4. Destruction of Unscheduled Records. A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Office has submitted to and received back from the Board an approved destruction authorization request.

Sec. 5. Records Center. A records center, developed pursuant to the plan required by Section 2, shall be under the direct control and supervision of the Records Management Officer Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under Section 2.

Sec. 6. Procedures for Public Information Requests. Requests for public information shall be handled as per the Oklahoma Open Records Act, 51 O.S. §§24.A.1-24.A.32, as follows:

(A) The Records Management Office of the Town of Wellston as defined by Section 1 shall be the primary officer responsible for responding to all requests for public information and records.

(B) All requests shall be submitted in writing.

(C) In the event a request is not delivered directly to the Records Management Office by the requestor, it shall be immediately hand delivered to the Records Management Office by the officer or employee of the Town to whom the request has been submitted.

(D) All charges for responding to requests shall be in accordance with the Oklahoma Open Records Act.

ADOPTED AND APPROVED on this 9th day of February, 2023

TOWN OF WELLSTON, OKLAHOMA
A Municipal Corporation

ATTEST: (Seal)


Paul Whitnah, Mayor

Jessica Couch
Jessica Couch, City Clerk

Approved as to Form and Legality:

William W. Wheeler
William W. Wheeler, Town Attorney

