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Archives Advisory Board Meeting Minutes- January 18, 2007

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ARCHIVES ADVISORY BOARD MINUTES

January 18, 2007

10 a.m.

Maine State Archives Conference Room

Board members present: Sam Webber, Ann Thomas, Debbie Smith, Twila Lycette, Elaine Stanley, Susan Bulay, Lyman Holmes

Maine State Archives staff members present: Jim Henderson, Sylvia Sherman, Barry Marshall, Nina Osier

Guests: Peter Carney, Director of Enforcement, Dept. of Environmental Protection; Donna Grant, Deputy Secretary of State for Information Services

Jim Henderson introduced Donna Grant, who gave the Board an overview of her role and spoke about the challenges of preserving (and risks of losing) born digital state government records. After noting that archives has historically been a sadly under-funded function, she said that Freedom of Access Act and litigation hold issues have caused the Governor's Office to identify a funding source for a Digital Records Storage and Management initiative that she and the Governor's Deputy Legal Counsel, Karla Black, are co-chairing. A training class for rank-and-file State employees in properly identifying their e-mail records as such has already begun, and an RFP for an e-mail records management system is also in the works.

Elaine Stanley noted that the State Library, by law, should receive copies of all publications created by State agencies, including those published in World Wide Web format only. She expressed concern that records training for State employees should also address this requirement.

The next order of business was presentation to the Board of a redrafted Functional Records Schedule for Dept. of Environmental Protection records. This schedule, which will replace all previously approved DEP retention schedules, was tabled at the Board's last meeting. The department's functions were identified as Rulemaking, Licensing, and Enforcement. Pete Carney clarified as requested, while Jim Henderson reviewed the proposed schedule.

Pete noted that all rulemaking authority for DEP resides with the Board of Environmental Protection. Ann Thomas made a motion, which Elaine Stanley seconded, to change the recommended disposition of all records under **Task: Receive, and respond to, comments from the public** from Destroy to Archives. This motion was carried.

Pete noted that the Board of Environmental Protection is told in statute which licenses/projects it must deal with. All other licenses/projects are considered minor ones, and do not come before the Board.

Pete noted that the Enforcement function produces a final decision document, just as does the Licensing function. Twila Lycette made a motion, seconded by Ann Thomas, to copy the language related the final decision documents from Licensing into Enforcement so that these documents will be covered for both functions. These documents include the final court order and ratified decision. This motion was approved.

Under the Enforcement function, **Task: Reach administrative resolution of alleged violations** and **Task: Litigate any penalty action that cannot be resolved administratively**, Pete noted that he could not think of any reliable way to distinguish between "minor" and "major" enforcement cases. For both tasks, discussion centered around possibly retaining final orders and administrative consent agreements while destroying all other records created by these tasks. Jim agreed to reword the schedule accordingly, and circulate the resulting new draft by e-mail or postal mail to the Archives Advisory Board members. When all members are satisfied, the new draft will be accepted as part of this meeting's outcome.

Pete also noted that all licensing records for site locations and other major projects should be moved from Destroy to Archives, as should all administrative orders, court orders, and final resolution documents.

Twila Lycette moved, and Ann Thomas seconded, that the DEP functional schedule be approved as written except for the changes already described. This motion was carried.

Sylvia Sherman presented traditionally written records retention schedules from other State agencies. Lyman Holmes moved that these schedules be approved, Ann Thomas seconded, and the motion was carried.

Twila Lycette made a motion to approve the minutes of the Board's September 14, 2006 meeting. Elaine Stanley seconded, and the motion was carried.

Twila Lycette made a motion to approve the Dyer Library's application to become an alternative repository for local government records. Ann Thomas seconded, and this motion was approved.

The meeting was adjourned at 12:10 p.m.

Respectfully submitted,

Nina M. Osier, Director
Division of Records Management Services