

RECORDS RETENTION SCHEDULE

LG16

Municipal Solicitors, Law Departments, Legal or
Special Counsels of Municipal Councils, Boards,
Commissions or Departments

November 2010
(Amended May 2016)

Office of the Secretary of State
Rhode Island State Archives & Public Records Administration
Rhode Island Local Government Records Program
337 Westminster Street
Providence, Rhode Island 02903

Records Retention Schedule LG16 Municipal Solicitors' Records

This Records Retention Schedule has been developed by the Rhode Island Local Government Records Program of the State Archives in an effort to assist government officials in the proper management of public records.

The schedule consists of fourteen (14) separate sets of records, or series, recognized as those records generated by the municipal clerk. Included in each entry is a series number, records series title and description, and a retention period. For example,

<u>Series No.</u>	<u>Series Title & Description</u>	<u>Retention Period</u>
LG16.2	Legal Opinions Official opinions of the legal counsel, solicitor, special counsel or law department per the request of municipal officers and departments, councils, boards and commissions. May include supporting documentation such as copies of resolutions and memorandum or correspondence requesting opinion.	Permanent.

The retention periods set forth in this document are minimum periods and are the result of analysis on the part of the State Archives concerning the legal, fiscal, administrative, and historical value of the records. Because many retention periods are based on state and federal statute and regulation, updates to this schedule may be issued to incorporate any changes.

Proper procedures for the destruction of public records must be adhered to. Records that are eligible for destruction can only be legally destroyed with an approved "Certificate of Records Destruction" (§38-1-10, §38-3-6 (j), and §42-8.1-10). A Certification of Records Destruction form and instructions are included with this schedule. State Archives staff members are always available to answer questions you might have regarding any records issues.

Local government officials should also consult with the municipal solicitor to determine if any records eligible for destruction may be involved in current, pending or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act (RIGL §38-2).

Office of the Secretary of State
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337 Westminster Street
Providence, Rhode Island 02903
401-222-2353

**State of Rhode Island and Providence Plantations
Rhode Island State Archives & Public Records Administration**

CERTIFICATION OF RECORDS DESTRUCTION

1. Department			
2. Division		3. Date	
In accordance with the Authority granted by Title 38 of the Rhode Island General Laws these records have met the legal retention requirements and are eligible for destruction.			
4. Record Series Number (from schedule)	5. Record Series Title	6. Dates to/from	7. Volume
8. I certify that I have reviewed the above listed records and authorize their destruction. Dept. Head or Records Custodian _____ State Archivist _____ & Public Records Administrator _____			

Signed and executed Certificate is a permanent record. (§42-8.1-10)

Certification of Records Destruction

Instructions for completing the form. Numbers below correspond with blocks on the Certification of Records Destruction form, a copy of which is provided on the previous page. The form may be reproduced.

1. Department - means any state or local government entity. Include the name of your city or town.
2. Division - means any sub-unit of any department.
3. Date - the date your department prepared the form.
4. Record Series Number - enter the exact series number. Each series listed on retention schedules has a unique identifying number. Series numbers are preceded by the letters LG on municipal schedules and on General Schedules by the letters GS.
5. Record Series Title - enter the exact record series title, as listed on the retention schedule. Each series title should correspond to the one cited in the schedule. If your department uses different titles than those found in the schedules, you may want to add the local title in square brackets [] under each entry on the form.
Note: Using the precise record series number and title will expedite the approval process.
6. Dates to/from - enter the earliest and latest dates covered by the records proposed for destruction. In most cases just the year will suffice.
Note: For purposes of calculating retention, do not count the year in which the records were created. If the retention period of a particular series is qualified by wording such as "audit plus one year" or "three years after expiration," the date of the completed audit or the year of expiration needs to be also noted.
7. Volume - enter the volume of records to be destroyed. Volume is most easily measured by the number of inches or linear feet of records, although cubic foot measurements give a more accurate figure. A table of volumes and a cubic foot equivalency formula are provided below.
8. Department Head or Records Custodian - signature of the local official authorized to request records destruction.

Send the completed form to the Rhode Island State Archives. The Certificate will be reviewed, countersigned by the State Archivist/Public Records Administrator, and then returned. Upon receipt the records may legally be destroyed. The signed and executed Certification of Records Destruction must be retained as a permanent record under RIGL §42-8.1-10.

Table of Volumes

standard records storage box (15" x 12" x 10")	1.2 cubic foot
letter size file drawer	1.5 cubic feet
legal size file drawer	2 cubic feet
lateral file drawer	2.5 cubic feet

Cubic Foot Equivalency Formula

$$\frac{L \times W \times H \text{ (inches)}}{1728} = \text{cubic feet/unit}$$

Municipal Solicitors, Law Departments, Legal or Special Counsels of Municipal Councils, Boards, Commissions or Departments

Records Retention Schedule

Approved November 2010, Amended May 2016

LG16.1 Index to Files

Index to general or subject files. May include date and file number and/or case number.

Retention: Retain until updated, superseded or obsolete. Purge with related record series.

LG16.2 Legal Opinions

Official opinions of the legal counsel, solicitor, special counsel or law department per the request of municipal officers and departments, councils, boards and commissions. May include supporting documentation such as copies of resolutions and memorandum or correspondence requesting opinion.

Retention: Permanent.

Note: Official/ record copy of legal opinions with supporting documentation may be held by the department requesting opinion or may be held by the municipal clerk.

Note: For retention of legal opinions of the Attorney General's Office and the Ethics Commission, see GRS2.2

LG16.3 Labor/Union Records

Working file of the municipal solicitor. Includes copy of agreement, reference materials relative to pensions/benefits, charts, budget worksheets, seniority lists, reports, exhibits, negotiations session notes and supporting documentation.

Retention: Retain for the life of the contract plus three (3) years.

Note: Official/ record copy of union agreements and contracts are permanent records and may be held by another municipal department.

LG16.4 Litigation Records or Legal Case Files

Litigation or legal files involving claims, civil or criminal matters by or against the municipality or its employees. May include copies of summons, tort claims notices, copy of complaint, copies of reports and witness statements and statements of municipal officials or employees. May also include but is not limited to copies of physical evidence inventory sheets, continuation sheets; reports, statements, correspondence, court transcripts, notes and memoranda, claims for payment/reimbursement due, reference materials, motions, copies of minutes, affidavits, arrest warrants and orders.

a) Routine civil cases that do not result in agency policy changes and do not involve discrimination

Retention: Retain seven (7) years after final disposition of case.

b) Landmark case files that result in changes to agency policy and/or procedures and may include discrimination case files

Retention: Permanent.

LG16.4 Litigation Records or Legal Case Files (continued)

c) Discrimination case files

Retention: Retain four (4) years after final disposition of case.

d) Criminal cases

Retention: Retain seven (7) years after final disposition of case.

e) Juvenile cases referred from municipal police department or school department to Family Court (added 5/2016)

Retention: Retain until minor reaches the age of 18 or three (3) years after adjudication, whichever is longer.

LG16.5 Workers Compensation Litigation Files

Case file regarding workers' compensation claims against the municipality. Includes but is not limited to copies of notice of hearing, employer's petition to review agreement or decree concerning compensation, answer to petition and memoranda. Includes copies of Employer's First Report of Injury and accident report forms.

Retention: Retain seven (7) years after final disposition of case.

LG16.6 Ordinances/Resolutions/State Legislation – Drafts

Working file of drafts for proposed ordinances, resolutions and legislation (for submission to the General Assembly). May include notes, research materials, copies of drafts submitted to municipal council/General Assembly and correspondence from municipal officials requesting a proposed ordinance, resolution or bill.

Retention: Retain ten (10) years.

Note: Drafts of proposed ordinances and resolutions kept as part of the Council records under LG4.1 Meetings & Hearings are permanent records.

See also: LG4.2.7 State Legislation: Proposed.

LG16.7 Bankruptcy Claim Records

Records of taxpayer bankruptcies as notified by U.S. District Court and pertaining to the municipality's claim for a specific sum owed. Includes copies of federal petitions for bankruptcy, proof of claim and power of attorney forms, supporting documentation and correspondence.

Retention: Retain seven (7) years after final disposition.

See also: LG2 Municipal Finance Schedule LG2 – LG2.3.9 Bankruptcy Records.

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LG16.8 Claims Files

Records of claims filed for purposes of tax collection. Records may include reports and lists of taxpayers that are delinquent on payment, affidavits and collection status reports.

Retention: Retain seven (7) years after settlement.

Note: Official/ record copy may be held by another municipal department such as the Tax Collector or Finance Director.

See also: Municipal schedules: LG2.3.15 Claims Files and LG1.4.6 Claims.

LG16.9 Council Records

Solicitor's records relating to matters before any municipal council, board, committee or commission. May include notes, copies of ordinances, copy of council packet provided to council members, copies of dockets and agendas, copies of legislation/bills before the council, copies of draft resolutions, and memos to municipal solicitor from other departments relative to a specific resolution or ordinance.

Retention: Retain three (3) years.

Note: Retention periods of records of the all municipal councils, boards, commissions or committees are listed under municipal retention schedule LG4 Town and City Council Records.

LG16.10 Bids

Bid files of the municipal solicitor or law department. Includes copies of bids, bid specifications, certificates of insurance of vendors, and bid acceptance letters.

Retention: Retain three (3) years.

Note: For retention of record/ official copies of bid and contract records, see Municipal Finance Schedule – Purchasing Records: LG2.4.2 Bid Records and LG2.4.3 Contract Records.

LG16.11 Contracts

Copies of contracts or agreements (not union-related).

Retention: Retain for the life of the agreement or contract.

Note: Record/ official copies of agreements and contracts are retained ten (10) years from date of expiration.

LG16.12 Billing and Time Records

Records of invoices for services performed on behalf of the municipality. May include supporting documentation such as correspondence and time records.

Retention: Retain six (6) years after completion of municipal audit.

LG16.13 Certification of Records Destruction

Certification of Records Destruction forms (PRA 003) signed by authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator.

Certificates authorize the disposal of records listed in this and other applicable schedules.

(RIGL § 38-1-10, § 38-3-6 (j), and § 42-8.1-10).

Retention: Permanent.

**LG16.14 Qualified Domestic Relations Orders (QDRO) Files
(new series added 5/2016)**

QDRO or comparable legal orders issued by Family Court are reviewed by the municipal solicitor on behalf of the municipality for compliance with ERISA (Employee Retirement Income Security Act) and other applicable federal and state laws relative to retirement or other benefits. May include but is not limited to copies of QDROs, copies of divorce decrees, and correspondence.

Retention: Retain until legal proceedings complete or three years, whichever is longer.

See also: LG15.10.4 – Qualified Domestic Relations Orders.

See also:

GRS1 Executive, High-Level and Policy Making Records

GRS2 Legal Records

GRS3 Safety and Security Records

GRS4 Facilities Records

GRS5 Daily Operations Records

GRS6 Records Management Records

GRS7 Information Management Records

GRS8 Fiscal Records (if not fiscal authority)

GRS9 Personnel Records (if not delegated authority)

All GRS schedules are available at:

<http://sos.ri.gov/divisions/frequent-filers/records-management>