

Torch Lake Township

(Approved 08/19/2014. 1 of 6 pages)

Document Retention and Records Management Policy

Torch Lake Township hereby establishes a policy and related procedures to assure compliance with legal requirements for the management and retention of township documents and records, ACT 271 of 2013, MCL 399.5 and ACT 228, MCL750.491. Township Personnel must fulfill their respective responsibilities in such ways as to assure compliance with these requirements. This policy will not exempt the Township from fully complying with all provisions of the body of related case law and Michigan Attorney General Opinions interpreting these statutes and other related law.

Township Personnel Defined-

Individuals who, as a regular part of their responsibilities, process Township business are included among those who are to comply with these policies and procedures. These include all elected and appointed officials; all personnel who are paid wages and stipends, or expenses for Township work; all outside consultants; representatives of outside agencies; attorneys; assessors; individuals providing contracted services to the Township; and, all members of ad hoc, advisory and sub-committees.

Applicability

This records management policy shall apply to all Township Personnel. Each individual who creates, sends or receives official records is responsible for retaining those records in accordance with this policy.

Records Management Responsibilities

The Clerk and the Deputy Clerk shall be responsible for coordinating all records management procedures and activities for Township offices, departments or services. Duties include:

- Distribution of approved general record retention schedules;

- Development, review and approval of Township-specific record retention schedules;
- Distribution of policies, guidelines and standards published by the State of Michigan, and the Township (Appendix A);
- Arranging off-site storage facilities for inactive records;
- Arranging microfilm and digital imaging services;
- Arranging the destruction of confidential records with a vendor;
- Coordinating all litigation “holds” to prevent the destruction of records that are relevant to a Freedom of Information Act request, investigation or litigation;

Enforcement Responsibility

Beginning in October, 2015, the township will disposed of documents whose retention is no longer required. It is the responsibility of the Supervisor, Clerk, Treasurer, Zoning Administrator, Assessor, Fire Chief and EMS Director to submit such documents for disposal. It is their responsibility to see that those documents under their direct responsibility are properly filed and stored as required under this policy. At the time of disposal, they will submit a signed Document Disposal Record (Appendix B) to the Clerk of the documents they have submitted for disposal. This disposal record will also contain a statement about any documents that are being retained contrary to the retention schedule of this policy. These are documents that require further evaluation as to their subject and filing/ storage requirements; that are documents which may need additional consideration due to age, content and form. It is noted in this policy, that if there is any doubt or reluctance about the disposal of documents, such uncertainly should be resolved with the township Clerk.

Procedures

1. E-Mail Addresses to be Assigned:

All current and future Township Personnel will be assigned a Township e-mail address. This is to be used for all Township correspondence and business. It is not to be used for personal e-mail business. The address will

be by Township title (i.e. Supervisor, Fire Chief, etc.). This e-mail address will remain constant and carry over to the next person as officials and personnel leave the Township and are replaced with new people. All e-mail correspondence used under this system will be archived and stored for future reference.

2. Training and Educating Current and Future Township Personnel

All current and future Township Personnel will be trained as to the requirements of document retention. This training will occur no less than every four (4) years in the year of Presidential elections, or as needed to update all departments on this policy including any changes in the laws and/or related policies. Training will include what is expected with regards to document retention.

Department heads will be asked to ensure that such training occurs as needed for personnel in their departments. The following persons are responsible for the training: Township Supervisor, Clerk and Treasurer; the chairpersons of the Planning Commission and Zoning Board of Appeals; the Fire Chief, and Emergency Medical Services (EMS) Director.

All contracted consultants, except the township attorney, will receive a copy of this policy and be offered the same training as Township Personnel and, as part of any contractual agreement with the township, will be required to sign a form that their work and services will comply with the requirements of this policy. In addition they must agree that once they are no longer contracted with the township, they will turn over a copy of all documents in their possession related to Township business.

- 3. Separation from Township:** Township officials, appointees, employees, volunteers and consultants/contractors shall not take public records with them when they terminate office, employment or contract with the Township, and they shall not destroy records that have not yet fulfilled their approved retention period. The Supervisor, Clerk, Treasurer, Zoning Administrator, Assessor, Fire Chief and EMS Director are responsible for ensuring that the records, including e-mail and other digital records, of employees who are separating from the Township are retained in accordance with the Township's record retention policies.
- 4. Failure to Adhere to This Records Management Policy:** Failure to adhere to the Township's records management policies may result in applicable discipline, up to and including discharge from employment, termination of the contractor status, termination of a volunteer relationship or nonfeasance

by an elected official or appointee. Further, the removal, mutilation or destruction of public records may result in civil and criminal liability, up to and including a penalty of not more than two years in state prison or a fine of not more than \$1,000 (Act 328 of 1931, MCL 750.491).

5. Records Are Maintained and Stored to Ensure Township Compliance with Law: Township Personnel shall create, develop, organize, maintain, retain and store all Township records to accommodate public inspection, FOIA compliance, record retention requirements, and minimize the Township's exposure to litigation and risk.

6. Document Retention Schedules The Township will follow the document retention periods recommended by the Michigan Department of Management and Budget. These schedules found Appendix A will be updated when necessary and will follow the guidelines recommended by the state.

APPROVED ON Aug 19, 2014

TOWNSHIP CLERK Kathy Windiate

TOWNSHIP SUPERVISOR: Clay A. Martel

APPENDIX A

The following State of Michigan Document Retention Schedules are recommended for this policy:

1. Schedule #18 Local Fire and Ambulance Departments
2. Schedule #23 Election Records
3. Schedule# 25 Township Clerks
4. Schedule #29 Township Treasurers
5. Schedule 30 Information Technology
6. Schedule # 31 Local Government Financial Records
7. Schedule #32 Parks and Recreation Departments

Schedules are available at http://www.michigan.gov/dtmb/0,5552,7-150-9141_21738_31548-56101--,00.html .

Appendix B

Torch Lake Township

Document Disposal Record

Date _____

Department _____

Record Disposal (Name and Year)

Retained Records- Disposal Yet to be Determined (Name and Year)

Department /Office Head Signature _____ Date