

ORDINANCE NO. 0-21-13

**AN ORDINANCE ADOPTING A RECORDS RETENTION POLICY
FOR THE VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS**

WHEREAS, the Village of Campton Hills, Kane County, Illinois (the "*Village*") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, Section 7 of the Local Records Act, 50 ILCS 205/1 *et seq.*, provides that except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained; and

WHEREAS, the President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois (the "*Corporate Authorities*") believe it to be in the best interests of the Village and residents thereof to adopt an updated Records Retention Policy; and

WHEREAS, the Village seeks to established an updated Records Retention Policy to comply with the retention and disposal requirements contained within the Local Records Act.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois, as follows

Section 1. That the above recitals and legislative findings are found to be true and correct, and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. That the Records Retention Policy, attached hereto as Exhibit A, is hereby adopted.

Section 3. That the officials and officers of the Village are further hereby authorized to undertake actions on the part of the Village as contained in the Records Retention Policy to implement the provisions, terms or conditions stated therein.

Section 4. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 5. All ordinances, resolutions, motions, policies, or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. The Village Clerk is directed by the Corporate Authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect upon its passage, approval, and publication in the manner provided by law.

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Passed this 20 day of November 2021, pursuant to a roll call vote as follows:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Darlene Bakk	_____	_____	_____	_____
Trustee Susan P George	_____	_____	✓	_____
Trustee Jim McKelvie	✓	_____	_____	_____
Trustee Mike Millette	_____	_____	✓	_____
Trustee Edward Muncie	✓	_____	_____	_____
Trustee Wendy K. White Eagle	✓	_____	_____	_____
President Michael Tyrrell	✓	_____	_____	_____

APPROVED this 20 day of November, 2021


Michael Tyrrell, Village President

(SEAL)

ATTEST: 
Lynn Baez, Village Clerk

Exhibit A

RECORDS RETENTION POLICY

FOR THE VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS

It is a policy of the Village of Campton Hills to fully comply with the Local Records Act and to promote efficiency and economy in the record keeping practices of our local government.

I. The Local Records Act

The Local Records Act (50 ILCS 205) regulates the preservation or disposal of the public records of all units of local government in Illinois. The Act's purpose is to maintain a mechanism for the retention of those records that are necessary for the proper functioning of government, the destruction of obsolete and valueless records and the archival preservation of those records that have long-term research values but are not necessary for the routine operations of local government. By disposing of useless records and by preserving archival materials, valuable storage space can be freed for the ever-increasing quantities of current records, which are vital for the daily business of local officials.

II. Definition of Public Records

This policy adopts the definition of "public records" as stated in the Local Records Act, which is currently defined as:

Any book, paper, map, photograph, born-digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein.

Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of public record.

Reports and records of the obligation, receipt and use of public funds of the units of local government and school districts, including certified audits, management letters and other audit reports made by the Auditor General, County Auditors, other officers or by licensed Certified Public Accountants permitted to perform audits under the Illinois Public Accounting Act and presented to the corporate authorities or boards of the units of local government, are public records available for inspection by the public.

III. **Records Retention Schedule**

It shall be the responsibility of the Village Clerk to establish and maintain a Records Retention Schedule.

The Village Clerk shall submit to the appropriate records commission, lists or schedules of public records in their custody that are not needed in the transaction of current business and that do not have sufficient administrative, legal or fiscal value to warrant their further preservation.

The Village Clerk shall also submit lists or schedules proposing the length of time each records series warrants retention for administrative, legal or fiscal purposes after it has been received by the municipality. The appropriate records commission shall determine what public records have no administrative, legal, research or historical value and should be destroyed or otherwise disposed of and shall authorize destruction or other disposal thereof.

Police misconduct records. Notwithstanding any other provision of law to the contrary, all public records and nonpublic records related to complaints, investigations and adjudications of police misconduct shall be permanently retained and may not be destroyed.

Only the Local Records Commission and Local Records Commission of Cook County ^{Kane PRS} can determine how long an agency must retain records.

IV. **Disposal of Records**

In Illinois, no public record may be disposed of without the approval of the appropriate records commission. The Records Management Section of the Illinois State Archives is responsible for assisting state and local government agencies with the disposal of records.

Each agency must submit an Application for Authority to Dispose of Local Records (Application) to the appropriate Local Records Commission prior to the destruction of any record. A sample Application is attached.

After the Application has been approved by the Local Records Commission, it will become the Records Retention Schedule.

A Local Records Disposal Certificate must be submitted to the Local Records Commission authorizing the destruction at least 30 days before the date the agency wishes to dispose of the records. This form can be found at:

http://www.cyberdriveillinois.com/publications/pdf_publications/lr4.pdf.

Records can then be disposed of after the minimum retention period listed for each records series is met, provided no litigation is pending or anticipated and providing all audit requirements have been met.

V. Assistance

A records archivist from the State Archives' Local Records Unit will provide the Application for an agency that is on file, or guide the agency through the records inventory process to prepare the Application to the appropriate Local Records Commission.

The records archivist can also assist with preparation of the first Local Records Disposal Certificate.

This assistance is provided at no charge.

Frequently asked questions and answers for local government agencies can be found at: http://www.cyberdriveillinois.com/departments/archives/records_management/faqlocal.html.

For more information and helpful insight, the Illinois Secretary of State publication: *Managing Your Records and the Local Records Act: A Quick Guide for Disposing of Local Records* can be found at: http://www.cyberdriveillinois.com/publications/pdf_publications/lr34.pdf.

VI. Tampering with Public Records

Pursuant to 720 ILCS 5/32-8, a person who knowingly and without lawful authority alters, destroys, defaces, removes or conceals any public record commits a Class 4 felony.

VII. Suspension of Policy in the Event of Litigation

If a lawsuit is filed or appears imminent, this policy must be suspended to require that documents relating to the lawsuit or potential legal issue(s) be retained.

VIII. Annual Compliance Report and Review

This policy and the Records Retention Schedule shall be reviewed on an annual basis and updated as needed. The Village Clerk shall prepare an annual report for the council or board, which includes an updated Records Retention Schedule and a list of public records that were disposed of in the prior year.

Sample Application for Authority to Dispose of Local Records

Inquiries and Applications to:

Local Records Unit
 Illinois State Archives
 Margaret Cross Norton Building
 Springfield, IL 62758
 (217)782-7075

Application No. 20:001

APPLICATION FOR AUTHORITY TO DISPOSE OF LOCAL RECORDS

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COUNTY Jersey	CITY Jerseyville	ZIP 62052	LOCAL RECORDS COMMISSION APPROVAL
AGENCY Jersey County Clerk and Recorder			<i>Pamela Davidson</i> CHAIR
ADDRESS PO Box 216 200 North Lafayette Suite 1			
PHONE (618) 498-5571x115			
I hereby request authority to dispose of local government records according to the schedule below. I certify that any microfilm or digitized copies will be made in accordance with standards of the Local Records Commission and will be adequate substitutes for the original records.			<i>David Joens</i> DIRECTOR, STATE ARCHIVES
<i>Pam Warford</i>	<i>November 19, 2019</i>	<i>January 7, 2020</i> DATE	
Signature of Agency Head	Date		
Pam Warford, County Clerk & Recorder			

RECORDS LISTED ON THIS APPLICATION MAY BE DISPOSED OF:

- AFTER THEIR INDIVIDUAL RETENTION PERIOD IS COMPLETE,
- IF THEY ARE CORRECTLY LISTED ON A RECORDS DISPOSAL CERTIFICATE SUBMITTED TO AND APPROVED BY THE LOCAL RECORDS COMMISSION SIXTY (60) DAYS PRIOR TO DISPOSAL,
- PROVIDING ANY LOCAL, STATE, AND FEDERAL AUDIT REQUIREMENTS HAVE BEEN MET,
- AS LONG AS THEY ARE NOT NEEDED FOR ANY LITIGATION EITHER PENDING OR ANTICIPATED.

THIS RECORDS RETENTION SCHEDULE DOES NOT RELIEVE LOCAL GOVERNMENTS OF RETENTION REQUIREMENTS MANDATED BY OTHER STATE AND FEDERAL STATUTES AND/OR REGULATIONS. WHEN SUCH AN OBLIGATION DOES EXIST, THEN THE LONGER RETENTION PERIOD TAKES PRECEDENCE.

DISPOSAL OF RECORDS AFTER MICROFILMING OR DIGITIZING MUST BE NOTED ON THE RECORDS DISPOSAL CERTIFICATE.

THIS APPLICATION AND ANY RELATED RECORDS DISPOSAL CERTIFICATES ARE TO BE RETAINED PERMANENTLY.

This application supersedes application 85:167

Sample Application for Authority to Dispose of Local Records

APPLICATION FOR AUTHORITY TO
DISPOSE OF LOCAL RECORDS

Application No. 20-001
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(CONTINUATION SHEET)

ITEM NO.	DESCRIPTION OF ITEMS OR RECORDS SERIES
<u>ADMINISTRATIVE RECORDS</u>	
100.	<u>APPLICATIONS FOR AUTHORITY TO DISPOSE OF LOCAL RECORDS AND LOCAL RECORDS DISPOSAL CERTIFICATES</u> Dates: 1985- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological Recommendation: Retain permanently.
101.	<u>ADMINISTRATIVE FILES AND MISCELLANEOUS CORRESPONDENCE, INCLUDING EMAIL CLASSIFIED AS GENERAL CORRESPONDENCE AND NOT RELATED TO ANOTHER RECORDS SERIES, REFERENCE MATERIALS, PUBLICATIONS, ETC.</u> Dates: 2004- Volume: 30 Cu. Ft. Digital Volume: 1 Gigabyte Annual Accumulation: 2 Cu. Ft. Arrangement: Chronological Recommendation: Retain for one (1) year, then dispose of records no longer possessing any further administrative, fiscal, legal, and/or historical value.
102.	<u>AGENDAS AND MINUTES OF THE COUNTY BOARD (INCLUDES SUPERVISOR'S RECORD), ORDINANCES AND RESOLUTIONS</u> Dates: 1879- Volume: 80 Cu. Ft. Annual Accumulation: 1 Cu. Ft. Arrangement: Chronological Recommendation: Retain one (1) permanently.

Sample Application for Authority to Dispose of Local Records

APPLICATION FOR AUTHORITY TO
DISPOSE OF LOCAL RECORDS

Application No. 20-001
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(CONTINUATION SHEET)

ITEM NO.	DESCRIPTION OF ITEMS OR RECORDS SERIES
103.	<p data-bbox="407 527 781 548"><u>APPLICATIONS FOR EMPLOYMENT</u></p> <p data-bbox="407 579 894 678">Dates: 1999- Volume: ¼ Cu. Ft. Annual Accumulation: Negligible Arrangement: Chronological</p> <p data-bbox="407 709 1247 884">Recommendation: Retain solicited applications and supporting documents for two (2) years from the date of the application, then dispose of. Retain unsolicited applications and supporting documents for one (1) year from the date of application, then dispose of.</p>
104.	<p data-bbox="407 919 797 940"><u>AUDIO RECORDINGS OF MEETINGS</u></p> <p data-bbox="407 972 894 1071">Dates: 2001- Volume: Negligible Annual Accumulation: Negligible Arrangement: Chronological</p> <p data-bbox="407 1102 1247 1150">Recommendation: Retain for sixty (60) days after adoption of official minutes, then dispose of.</p>
105.	<p data-bbox="407 1182 894 1203"><u>BIDS, SPECIFICATIONS, AND PROPOSALS</u></p> <p data-bbox="407 1234 894 1333">Dates: 1991- Volume: 2 Cu. Ft. Annual Accumulation: Negligible Arrangement: Chronological</p> <p data-bbox="407 1365 1247 1486">Recommendation: Retain successful bids for ten (10) years after terms of the related contract are complete, then dispose of. Retain unsuccessful bids for three (3) years after rejection, then dispose of</p>