

**LOCAL GOVERNMENT RECORDS COMMITTEE
STATE OF MONTANA**



TO: All Local Government Officials

FROM: Local Government Records Committee (LGRC)
Kay Johnson, Blaine County, District Court;
Marcia Porter, Missoula County, Records Management;
Terry Atwood, Montana State Genealogical Society;
Patti Borsberry, Secretary of State, Records and Information Management;
Beth Riitano, Local Government Services Bureau;
Jodie Foley, Secretary, Montana Historical Society, State Archives;
Bonnie Ramey, Jefferson County; Clerk and Recorder;
Marty Rehbein, City of Missoula, City Clerk

DATE: October 26, 2009

RE: Local Government Public Records

The 2001 Legislature passed MCA 2-6-405, which went into effect October 1, 2001. This law requires local governments to give a 180-day notice to entities desiring public records notice before destroying any record that is 10 years or older. The law prioritized the entities in order of consideration as: the Montana Historical Society, State Archives; Montana public and private universities and colleges; local historical museums; local historical societies; Montana genealogical groups; and the general public. If records are not claimed after 180 days, they may be destroyed.

The Local Government Records Committee, as authorized by MCA 2-6-405, established procedures for local governments. These procedures are easy to use and are an efficient way to meet records destruction requirements and ensure compliance.

Procedures for destruction of local government public records (MCA 2-6-405 (d)):

Step 1: All Local Government agencies, [including School Districts], must complete the *Request and Authorization for Records Disposal or Destruction* form **prior** to the disposal of public records. Indicate which record series are confidential and which are older than 10 years.

Step 2: Send the Request and Authorization for Records Destruction form to:

Beth Riitano ~ Local Government Services, P.O. Box 200547, Helena, MT 59620-0547

or

Jodie Foley ~ Montana State Archives, P.O. Box 201201, Helena, MT, 59620-1201

Compliance Procedures for Destruction

Rev 10/09 v3

of Local Government Public Records

If the destruction form lists records that are subject to the 180-day provisions of MCA 2-6-405, the Local Government Services or Historical Society member will forward the form to the Secretary of State, Records and Information Management to post to an internet notification list-serve, to all entities expressing an interest in older records. This is the only notice that is required when complying with MCA 2-6-405.

The 180-day period begins the day the records are posted to the list-serve. Local governments are encouraged to subscribe to the list serve by sending an e-mail message to the following address:

join-recordsdisposal@lists.state.mt.us

Step 3: During this 180-day notification period, the local government may be contacted by an entity expressing an interest in the records. If contacted during this 180-day period by multiple entities, the local government must decide which entity to transfer the records to. The entity requesting the records is required to pay all costs associated with the transfer. It is recommended that Local Governments adopt a resolution outlining the criteria to be used when deciding which entity will be granted the records. The entities in order of consideration are: the Montana Historical Society/ State Archives, Montana public and private universities and colleges, local historical museums, local historical societies, Montana genealogical groups and the general public.

We hope this 3-step approach assists your needs for meeting the requirements of MCA 2-6-405. If you have any questions regarding this procedure, please contact any member serving on the Committee:

<p>Bonnie Ramey <i>Jefferson County Clerk & Recorder</i> <i>P. O. Box H</i> <i>Boulder, MT 59632</i> <i>Phone: 406-225-4020</i> <i>e-mail: bramey@jeffco.mt.gov</i></p>	<p>Beth Riitano <i>Local Government Services Bureau</i> <i>P.O. Box 200547</i> <i>Helena, MT 59620-0547</i> <i>phone: 406-841-2912</i> <i>e-mail: briitano@mt.gov</i></p>	<p>Kay Johnson <i>Clerk of District Court</i> <i>P.O. Box 969</i> <i>Chinook, MT 59523-0969</i> <i>phone: 406-357-3230</i> <i>e-mail: kayjohnson@mt.gov</i></p>
<p>Patti Borsberry <i>Secretary of State</i> <i>Records and Information Management</i> <i>P.O. Box 202805</i> <i>Helena, MT 59620-2805</i> <i>phone: 406-444-9000</i> <i>e-mail: pborsberry@mt.gov</i></p>	<p>Jodie Foley <i>Montana Historical Society</i> <i>State Archives</i> <i>P.O. Box 201201</i> <i>Helena, MT 59620-1201</i> <i>phone: 406-444-7482</i> <i>e-mail: jofoley@mt.gov</i></p>	<p>Marcia Porter <i>Missoula County</i> <i>Records Management</i> <i>200 W. Broadway</i> <i>Missoula, MT 59802</i> <i>phone: 406-721-5700 ext. 3457</i> <i>e-mail: mporter@co.missoula.mt.us</i></p>
<p>Martha (Marty) Rehbein <i>City of Missoula</i> <i>435 Ryman St</i> <i>Missoula, MT 59802</i> <i>Phone: (406) 552-6080</i> <i>e-mail: mrehbein@ci.missoula.mt.us</i></p>	<p>Terry Atwood <i>Montana Genealogical Society</i> <i>4230 Wolverine Dr</i> <i>Helena, MT 59602</i> <i>Phone: 406-443-4907</i> <i>e-mail: tattewode@bresnan.net</i></p>	