

RESOLUTION 9356

A RESOLUTION ESTABLISHING PRIORITY FOR DISPERSAL OF PUBLIC RECORDS TO COMPLY WITH MCA 2-6-405 ITEM 2(C)

WHEREAS, the 2001 Legislature passed Senate Bill 443 henceforth codified a MCA 2-6-405 which went into effect October 1, 2001. This law requires local governments to give a 180 day notice before they may destroy any public record that is 10 years or older. The notice is only required to be given to entities that have made it known they are interested in receiving the notice by subscribing to the Secretary of State List-serve. And,

WHEREAS, during this 180 day period, groups may contact the local government and make arrangements to transfer custody of the documents to a new organization. The law further prioritizes 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. And,

WHEREAS, the Local Government Records Advisory Committee as authorized by MCA 2-6-405 has established simple yet effect procedures for local governments to use when complying with MCA 2-6-405. And,

WHEREAS, it is important that the City of Great Falls establish a priority for dispersal of public records in the event that more than one organization requests custody of the records slated for destruction that are older than 10 years old.

NOW THEREFORE, BE IT RESOLVED BY CITY OF GREAT FALLS THAT THE FOLLOWING PROCEDURE IS HEREBY ESTABLISHED.

Section 1: In the event that more than one organization requests any public record of this organization slated for destruction, the decision will be based on the priority listed in MCA 2-6-405. The priority for the City of Great Falls shall be:

1. The Montana Historical Society/State Archives.
2. Should more than one Montana public and/or private university or college request the records, the reason for which the institution desires the records will be considered when making a decision.
3. Should more than one local historical museum request the public record then the records will be dispersed on a first-come first-served basis.
4. The local historical society.
5. Public records requested that have not been requested by the four priority groups listed above will be given to Montana genealogical groups with an emphasis to keep the records within a close proximity to the point of origin.
6. Finally, of the public records that are not requested by any institution or formal organization then the public records may be dispersed to the general public on a first-come first-served basis.

Section 2:

No decision will be made as to which entity may receive the public records until the 180 days has passed. Then and only then will the local government apply the dispersal criteria.

Section 3:

As per item 3(b) of MCA 2-6-405, the entity requesting the records is required to pay all costs associated with the transfer.

Section 4:

The records shall be transferred within the time frame agreed upon by the local government entity and the entity requesting the records. If the entity that requested the records does not remove the records within the agreed upon time frame, the records will be offered to the next entity that showed an interest in them.

Section 5:

If no one contacts the local government expressing an interest in the record within the 180 day period, the records will be destroyed.

PASSED by the City Commission of the City of Great Falls, Montana, this 6th day of January, 2004.

Randall H. Gray, Mayor

ATTEST:

Carolyn Broquist, Deputy City Clerk

David V. Gliko, City Attorney
State of Montana)
County of Cascade: ss
City of Great Falls)

I, Carolyn Broquist, Deputy City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9356, was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 6th day of January, 2004, and approved by the Mayor of said City, on the 6th day of January, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City,
this 6th day of January, 2004.

Carolyn Broquist, Deputy City Clerk

(Seal of City)