



# CITY OF KEENE

R-2006-12

In the Year of Our Lord Two Thousand and ..... Six

A RESOLUTION ..... RELATING TO COUNCIL POLICY – RETENTION OF CITY  
..... COUNCIL MEETING ELECTRONIC RECORDINGS

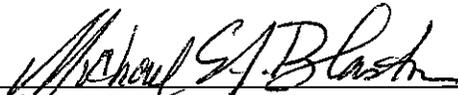
*Resolved by the City Council of the City of Keene, as follows:*

WHEREAS: City Council meetings are recorded electronically for the purpose of assisting the City Clerk in the preparation of the official, written minutes; and

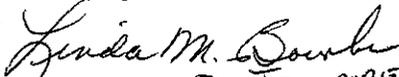
WHEREAS: the written minutes of the meeting, once adopted, are considered the official record and, as such, are permanent records.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Keene affirms that the written minutes constitute the official record and the electronic recordings are administrative tools that aid in the preparation of the written minutes.

BE IT FURTHER RESOLVED that the recordings of City Council meetings shall be destroyed after three years.

  
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Michael E.J. Blastos, Mayor

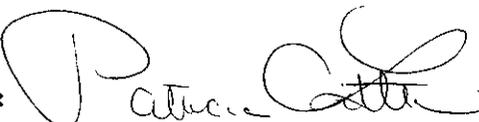
In City Council February 16, 2006  
Referred to the Finance, Organization and  
Personnel Committee.

  
City Clerk PRO TEMPORE

PASSED

March 16, 2006

A true copy; attest:

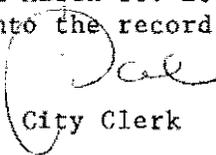
  
City Clerk

City of Keene  
NEW HAMPSHIRE

6A1

March 9, 2006

In City Council March 16, 2006.  
Report filed into the record as  
informational.

  
City Clerk

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **CONTINUED DISCUSSION; R-2006-12: Council Policy – Retention of City Council Meetings Electronic Recordings.**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of R-2006-12.

  
Chairman/Designee

Background Notes:

Ms. Little addressed the Committee again and indicated that the retention of tape recordings which are used in preparation of official minutes was also addressed by HB 437. She indicated that this item was put on more time at the last Council meeting because staff felt that there could possibly be a conflict with HB 626, but it has been determined that there is no such conflict. She went on to say that the issue of retention of electronic recordings is dealt with specifically in HB 437, which is the State Retention Schedule on municipal records. This schedule says that tape recordings that are used in preparing minutes need to be kept until the written record is approved and then the recording should be reused or destroyed.

Ms. Little stated that staff was recommending that the tape recordings be retained for a period of three years as opposed to being immediately reused after the official minutes are adopted.

Councilor Bendzinski stated that he felt that minutes that have been put on written form and approved are more valuable than the electronic recording and inquired why the staff was recommendation a retention period which was greater than what was required. Ms. Little stated that the most recent litigation where Council tape recordings were used for was with the Algonquin Drive litigation and stated that she recalls the City Attorney indicating

that having these tapes helped the City tremendously. Attorney Carney agreed that these tapes were helpful and it was his opinion that a period beyond the normal retention period was valuable. He indicated that his recommendation was three years, the time period when the Statute of Limitation expires.

City of Keene  
New Hampshire

6A1

In City Council Feb. 16, 2006  
The memorandum was filed into the record  
as informational.

February 14, 2006

TO: Mayor and City Council City Clerk  
FROM: William Dow, Deputy City Clerk/Records Manager *BDow*  
RE: Right to Know and Retention of City Council Tape Recordings

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RECOMMENDATION:

Refer Resolution R-2006-12 to the Finance, Organization and Personnel Committee for consideration.

BACKGROUND:

The Office of the City Clerk has utilized audio tape recordings as an administrative tool in the preparation of the official written minutes of the City Council proceedings since 1981. In 1992, City Council established a policy authorizing a retention period of one year after the meeting date for these tape recordings unless deemed appropriate to be saved by the City Attorney.

There is currently proposed legislation being considered in the Right to know which would recognize electronic records and communication as information having legal and evidential value. This proposed change prompted staff to review the current policies for all electronic records being retained by the City of Keene. The City Attorney has indicated that a three year retention period for these tape recordings complies with the statutory appeal period for any Council actions.

R-2006-12 will change the retention period of tape recordings for City Council meetings from one year to three years and authorize the City Clerk to destroy tape recordings after three years from the meeting date. The Resolution also affirms that the written minutes of each City Council as approved shall constitute the official record of the Keene City Council.