



Archives Advisory Board

Meeting Minutes

February 17, 2022

1:00pm – 2:30pm

Location: Zoom

Board Members Present: Eric Stout, Brenda Kielty, Adelaide Solomon-Jordan, Paige Lilly, Shelly Crosby, Greg Zinser, Shirley Browne, Jennifer Tarr

Board Members Absent: James Francis

MSA Staff Members Present: Kate McBrien (ex-officio), Felicia Kennedy, Tiffany Tattan-Awley, Tammy Marks

Public Members Present: None

Meeting called to order at 1:05 pm by Shelly Crosby.

Welcome and Land Acknowledgment

Kate McBrien welcomed everyone to the meeting and recited the land acknowledgment which is offered by the Maine State Archives at each Archives Advisory Board meeting.

Welcome

Shelly welcomed everyone to the meeting, Kate did a roll call and recognized eight members present for a quorum.

Approval of February 3, 2022 Meeting Minutes

Greg Zinser made a motion to approve the edited minutes, Adelaide Solomon-Jordan seconded that motion. Members present voted as follows: Eric Stout, yes; Shelly Crosby, yes; Greg Zinser, yes; Jen Tarr, abstained, Paige Lilly, yes; Brenda Kielty, yes; Adelaide Solomon-Jordan, yes; Shirley Browne, yes. Seven members present voted to approve the minutes; one member abstained.

Consideration of General Schedules Revisions

Kate shared her screen showing the second revision of the General Schedules from the last meeting. These revisions included comments made by Board members, the focus of the meeting were Schedules 8 and 9.

Felicia mentioned that the only remaining issue with Schedule 8 was the recording of minutes. She viewed some of the state's other schedules and thought it would be beneficial to incorporate recordings, social media, and similar items. She also sent a handout for potential additions or amendments to the schedules.

General Schedule 8 – Meeting Board Records. Schedule 8.7 Recordings of Meetings – Boards and Commissions. At the last Board meeting there was discussion regarding whether there needs to be a transcription or not. Felicia researched other states and found there wasn't much consistency. There doesn't seem to be a legal basis for keeping the transcripts of the recordings. Felicia stated that maybe Brenda had an idea if there was. Brenda noted that she makes a distinction between things that must be transcribed in a more formal setting like transcripts from court proceedings or 911 recordings compared to Zoom meetings or public meetings. She didn't feel that school board or town council meetings were as valuable as the more formal setting.

Eric noted that this schedule is for the state general schedules and state records. He went to the Secretary of State's website under Boards and Commissions: <https://www.maine.gov/sos/cec/boards/index.html>. He ran the report and counted the number of Boards, Committees and Commissions. He believed there were 292 of them.

Jen followed up with Eric's comment. She asked if these boards and commissions, states boards and commission are these created through the legislature or executive order or have these been created by a commissioner on their own. Is there a definition of what boards and commissions fall under in these schedules? Felicia said there was information at the top of the schedule in the notes.

Shelly asked if the context of the sentence in the second column could be changed around. Changing 'then destroy' to 'may be destroyed' if official meeting minutes have been approved and if they do not contain historical value. This then gives the flexibility back to the committee if there is merit in keeping the types of recording files. Clerks are taught if it says 'then destroy' you destroy; they do not have an option.

Greg mentioned that there were two issues if they can be kept separate, which is like what the AAG comments in the far-right column of the schedules on the screen. He felt the Board needed to figure out what to do with the issue of transcribing, using videos to transcribe can be a hefty cost which adds up quick. He feels that from a practical perspective to say you can keep the video and only get rid of it if it has been transcribed the transcription is never going to happen from his perspective. He feels there needs to be more discussion on this. The next topic is what is official and what isn't. His thought is the transcription isn't going to happen.

Eric mentioned he liked Shelly's comment about giving people discretion whether the recording has value. In the state and federal examples, Washington State said they will assess the value on a case-by-case basis, trying to get the idea that it depends on the value. It brings up a dilemma of value and who is deciding that value, what criteria is being used.

Adelaide noted that she agrees this is subjective. She believes therefore there are so many opinions in the states depending on whose administration it is in. She isn't sure what to do with this because it is so subjective. She agrees keeping everything is not practical.

Paige states she would respectfully disagree with others on the Board regarding the practicality of having decisions for this schedule also take into consideration the local retention needs because there is a big distinction between the style of the meeting minutes with the boards and commissions, in this board, and others she has been on. The minutes are not restricted to action items. This seems like a big guideline that there is a difference. She wanted to state this point in terms of our schedule and recognizing the need to incorporate different requirements at the local level and other places. Also, using the word 'transcribing aid' in the first column; maybe 'transcribing' is too specific and leads to confusion. For most of us, the word transcribing means verbatim and if that word was removed and the caveat in the retention column about 'then destroy' but below 'if recordings are the only documentation of the meeting...they must be retained permanently' then that is the out in her view.

Greg and Felicia agreed that removing the word 'transcribing' would eliminate the confusion associated with the language. Kate asked what the opinion was regarding Shelly's opinion. Shelly stated she didn't want to be in a position of telling people either or. Kate asked Brenda to speak to what the harm is in keeping the recording even if the minutes are transcribed. Brenda asked if it creates a liability to the state or the local entity of having the actual footage of what occurred. Brenda stated that there is some potential liability in getting caught in wrongdoing if there is a dispute. She stated that pictures tell the truth and having the audio could be a benefit. She agrees with the language about 'then destroy', she feels there is value in the recording. Brenda referred to the Maine Human Rights Commission website to see what they are doing, and they have both their YouTube video link with the recording and the pdf of their minutes all on

the same page, very organized. Brenda suggested using 'may be destroyed' and they 'may hold on to it' as language.

Felicia mentioned that her concern is, for consistency purposes, if a recording is kept for one meeting, then the recording should be kept for all meetings. You can't just keep it for a four-hour meeting and not for other meetings. This could cause an issue. If they choose to retain their recordings, then they should retain all the recordings.

Adelaide stated she agreed with Felicia regarding consistency for all meetings. She was not sure how you force the issue of the recording and the minutes saying the same thing.

Brenda stated that she suggested the language leaving 'may be destroyed' in the schedule but after hearing Felicia's comment she feels that using that language leaves discrepancy to the agency on whether they want to destroy. Then you are most certainly going to see mis consistency within the agencies.

Eric noted that he put the link to Brenda's reference on the Maine Human Rights Commission website meeting minutes in the chat. (See: <https://www.maine.gov/mhrc/about/meetings>) He noted to Adelaide's point the minutes of the most recent meeting are three pages, and is a high-level summary, not a word for word transcription, just a summary of the key point and actions. For Brenda, in FOAA, there is very minimalistic requirement for a public meeting record that the minutes are basically when the meeting occurred, what votes were taken and that is all that is required as a minimum, certainly far from a word for word it could literally be a page or a half page of minutes.

Adelaide asked if that puts more value on a Zoom recording or less value.

Kate suggested putting different retention such as the *"Minimum retention and disposition - transfer the minutes agendas and meeting background files to the Archives five years after creation. Destroy audio, video, electronic and other recordings of those meetings three years after the meeting and only if the meeting minutes have been written. If no meeting minutes have been written transfer the recordings to the Archives for appraisal and selective retention."* Basically, we are saying this material is archival, you keep the recordings for at least three years (or five years) and the recordings will come to the Archives as archival material only if there are no written minutes to go with it. If you have written material to go with it then its archival. You are building a buffer for that recording for within three to five years.

Felicia mentioned she liked that Eric mentioned these are minimum standards. Any agency can write their own schedules for retentions if there are reasons to keep these records longer. Shelly asked if it was common knowledge that agencies know this is an option. Felicia noted this is put in all trainings and in the introduction as well. She mentioned this is commonly told to agencies.

Shirley mentioned if this procedure wasn't in a policy or a charter for the Board, she thinks it would be easy to do whatever they want (delete or save a recording) depending on which one is more favorable. If we do put minimum standards in for retaining, she would suggest putting five years instead of three years due to cross over of administration.

Greg would like to see the language that Kate suggested as a good start. He felt for purposes of moving on it works.

General Schedule 9 - Miscellaneous/Short-Term Materials. Mike Drolet, DOT asked if the entire Schedule 9 series needed to be kept. Felicia noted that some agencies like to have these specific types of items spelled out and give them clearer guidance. Some Records Officers do not require this type of guidance but for those that do, Felicia listed them (General Schedules 9.1 – 9.5).

Schedule 9.6 - Transitory Records – Jon Bolton, AAG, had a question as to what needed to be retained. Felicia noted that drafts should be retained as evidence that the agency practiced due diligence where it impacts the outcome of final decisions; it depends on the content. Also, drafts can contain unique/substantive information relating to formulation and execution of high-level policies, decisions, actions, or responsibilities.

Kate asked if everyone was comfortable with Felicia adding some language to incorporate recordings into some of the schedules. Was everyone comfortable with the addition of the information. All those present were comfortable with the addition of the language.

Felicia will make full revisions of the General Schedules and bring them back to the next meeting for the Board to vote on the finished product.

New Agency Schedules – Department of Education. Series title, Commissioner Review of Denied Superintendent Agreement Request for students who transfer within SAUs (School Administrative Unit) for DOE documentation. The Board reviewed the schedule on the shared screen. The Board voted by roll call, as follows:

Greg Zinser, yes; Eric Stout, yes; Shirley Browne, yes; Adelaide Solomon-Jordan, yes; Jennifer Tarr, yes; Shelly Crosby, yes; Brenda Kielty, yes; Paige Lilly, yes. The vote was unanimous to accept the schedule as written.

Bureau of Insurance. Series title, Licenses Foreign Insurance Company and Surplus Lines Eligible Files there was question as to the way it was worded (the use of the word decades) and the retention requested. This schedule is about their (Bureau of Insurance) ability to help consumers track down the company and not an individual policy. The Board reviewed the schedule on the shared screen. The Board voted by roll call, as follows:

Greg Zinser, yes; Eric Stout, yes; Shirley Browne, yes; Adelaide Solomon-Jordan, yes; Jennifer Tarr, yes; Shelly Crosby, yes; Brenda Kielty, yes; Paige Lilly, yes. The vote was unanimous to accept the schedule as written.

State Archivist Report

- a) **New Management Analyst I** – Isa Melvin is filling a vacant position overseeing operations at the Records Center. She will work with agencies on their records management programs and prepare records for transfer to the Records Center as well as assist with training. She has experience setting up records programs with school districts and is currently in graduate school for Archives and Records Management Administration, and she reports to Felicia.

We have also hired someone to fill a vacant contract position, her name is Maya Jacks. She will be scanning material in the Archives Services area to help get material online.

- b) **Legislative Updates** – There is a bill that was just heard before State & Local Government Committee, LD 1610, this instructs the state's CIO to create a data governance policy for state government centralizing data so that efforts are not duplicated and set up minimum standards for those holding them. Kate managed to get the State Archives added in a consultant role so we can make sure that records management is included in part of the discussion right from the beginning working with the CIO.

Archives was able to not be involved in LD 379, which is a bill creating a cemetery commission. This commission was created to manage and provide guidance on cemeteries. No one in the state has jurisdiction to do this. They wanted to assign this to the Archives, Kate testified that this doesn't fit with what Archives does. The commission ended up being assigned to Veterans Services.

Report of Standing and Special Committees

Shelly reported there wasn't any new information from the Standing Committee or the Special Committee.

Agenda Items for Future Meetings

Shelly was not aware of any special agenda items. She asked that members bring any items forward. Eric mentioned bringing up at the next meeting a letter of support for the Archives to present when requesting a digital preservation system, he felt it may be helpful to have from the Board.

Adjournment

The group agreed to adjourn. Meeting adjourned at 2:28 pm

DRAFT