

Documents, Policies, and Records to have on file in the Municipal Clerk's Office

May 2001

TUG HILL COMMISSION TECHNICAL PAPER SERIES

TUG HILL COMMISSION

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The Tug Hill Commission *Technical and Issue Paper Series* are designed to help local officials and citizens in the Tug Hill region and other rural parts of New York State. The *Technical Paper Series* provides guidance on procedures based on questions frequently received by the Commission. The *Issue Paper Series* provides background on key issues facing the region without taking advocacy positions. Other papers in each series are available from the Tug Hill Commission at the address and phone number on the cover.

Introduction

Below are checklists that include documents, policies, records, and procedures associated with the operation and administration of town and village government and that are required by law or recommended to be on file in the municipal clerk's office. The checklist source and contact information is provided for obtaining more detailed information about a particular checklist item or action. For information pertaining to the minimum length of time that a municipal government record must be retained before it can legally be disposed, please refer to the Records Retention and Disposition Schedule MU-1 or contact the State Archives and Records Administration at (518) 474-6926 or www.sara.nysed.gov.

Miscellaneous listings and records that should be available in the Municipal Clerk's Office

- ___ Schedule of Local Fees (Hunting & Fishing Licenses)
- ___ Use of Public Facilities (Fees & Deposits)
- ___ Listing of Municipal Office Hours
- ___ Board of Election Registration Forms
- ___ Absentee Ballots
- ___ Records Management Plan
- ___ Town or Village Board Meeting Procedures
- ___ Smoking Policy

Office of the Town Clerk: Chapter IV – Filing Officer of the Town, General Requirements

Contact: The Association of Towns of the State of New York
 146 State Street
 Albany, New York 12207-1671
 (518) 465-7933
 Website: <http://www.nytowns.org>

- ___ All oaths of office of town and district officers; oaths of fire police.
- ___ Undertakings of improvement district commissioners.
- ___ Petitions for the establishment and creation of districts, special improvements and fire protection.
- ___ Proofs of all publications and posting of notices where such notices are required to be given.

- _____ Tentative budget. The budget officer files the tentative budget with the town clerk, which after review and modification, if any, by the town board becomes the preliminary budget.
- _____ Annual budget.
- _____ In the case of non-lawyer justices, certificates of completion of courses of training approved by the Office of Court Administration or temporary certificates by such office.
- _____ All written notices received by town highway superintendent of defects in highways, bridges, culverts or sidewalks or of snow and ice thereon, within ten (10) days of receipt thereof.
- _____ Assessment rolls.
- _____ Monthly and annual financial reports of supervisor.
- _____ Audits conducted by the Office of State Comptroller, or by an independent, outside accounting firm.
- _____ Annual agreement between town superintendent of highways and town board.
- _____ All applications, certificates, appointments and other papers relating to the laying out, altering or discontinuing of any town highway under the Highway Law, by the town superintendent of highways.
- _____ Reports from highway superintendent as to any roads used by the public for ten (10) years but not previously reported.
- _____ Certificate of abandonment of town highway and surveys of roads.
- _____ Decisions of fence viewers.
- _____ Notice of lien involving damages to property by animals or inanimate objects.
- _____ Claims against the town.
- _____ Bond and Note Registers.
- _____ Copy of authenticated statement of federal census from Secretary of State when population is shown to be 5,000 or more.
- _____ Notice of proposed change in village or city zoning regulations on property within 500 feet of town boundary.
- _____ Descriptions of school districts and all papers and proceedings turned over by district superintendent of schools.
- _____ Ordinance Book.
- _____ Minute Book.
- _____ Local Law Book.
- _____ Non-resident taxpayers filing addresses for tax bill purposes.
- _____ Marriage License Book. (In lieu of marriage license book, a microfilm record may be obtained and shall be deemed an original record for all purposes).
- _____ Order of supervisor or town manager as chief executive officer proclaiming state of emergency, relating, among other things, to curfews, control of traffic, buildings, persons in

- _____ public places, sale of weapons, explosives, inflammables and alcoholic beverages.
- _____ Laws, rules and regulations adopted by the Board of Trustees of the State University in connection with regulation of traffic in and upon State operated institutions of the State University must be filed in the office of the town clerk of the town in which they must be enforced.
- _____ Notices of existence of defective, unsafe, dangerous or obstructed condition, or of a hazardous condition caused by snow and/or ice in connection with actions for injuries arising from the operation of snowmobiles.
- _____ Every map adopted in connection with a zoning ordinance or amendment in a separate file or filing cabinet available for inspection during regular business hours.
- _____ Copy of bingo and/or “games of chance” financial report form (original of which must be filed with NYS Racing and Wagering Board, Tower Building, Empire State Plaza, Albany, New York 12223) within seven days after the conclusion of any occasion.
- _____ Weekly copies of the “State Register” when requested from and distributed by the Secretary of State, containing State and federal rules, regulations, notices and programs.
- _____ Notice from county legislative body prior to the abandonment of any county highway or portion thereof to a town.
- _____ Written objections to procedure for settling boundary disputes between contiguous fire districts.
- _____ Certificates and/or temporary certificates of State board of Equalization and Assessment of completion of required assessor training.
- _____ Copies of State Board of Equalization and Assessment certificates of attendance of members of boards of assessment review at required training.
- _____ Maps and/or descriptions of congressional, senatorial, assembly and election districts shall be filed by the State Board of Elections in the office of the town clerk, and kept open to public inspection. (Election Law, §4-102)

What the Auditors Look for in the Minutes

Contact: New York State Office of the State Comptroller (Syracuse Office)
 330 East Washington Street
 Syracuse, New York 13201
 (315) 428-4192
 Website: <http://www.osc.state.ny.us>

A municipality’s basic legislative record is the Minute Book that is maintained by the town or village clerk. The Minute Book is a permanent record of the town or village that provides valuable information about general and fiscal operations of the municipality, which is available to taxpayers and interested parties like the Office of the State Comptroller. Included in the minutes are the following:

Budgeting

- ___ Filing of the tentative budget;
- ___ Approval of the preliminary budget;
- ___ Public hearing on the preliminary budget;
- ___ Budget adoption details with a reference to the budget filed as a supplemental document if it is too large to file in the minute book;
- ___ Budget modification details of appropriation line items affected and dollar amounts;

Real Property Taxes

- ___ Re-levy of delinquent user charges on the tax roll (water, sewer)

Purchasing

- ___ Written procurement policy adopted;
- ___ Evidence of bidding, acceptance of other than the apparent low bidder;
- ___ Change orders for contracts originally awarded;
- ___ Actions taken in declaring public emergencies that result in the waiving of public bidding requirements;
- ___ Actions taken in standardizing the purchase of a particular type of supplies or equipment;
- ___ Justification for a sole source procurement not subject to competitive bidding;
- ___ Actions taken to engage professionals such as engineers or attorneys;
- ___ The board approval of claims (very clear identification of those approved for payment); the board approval of claims that were paid prior to audit (specific identification); pre-approval of purchases;
- ___ Prior approval for attendance at conferences, schools, etc.;

Employees/Officials

- ___ Adoption of policies on personnel, fringe benefits;
- ___ Establishing of salaries and wage rates; appointments of town officials;

Indebtedness

- ___ Authorization to borrow money, bond resolutions, etc.;
- ___ Authorization for installment purchase contracts;

Investments

- ___ Written investment policy adopted;

- ___ Designation of authorized depositories;
- ___ Designation of maximum allowable deposits per bank;

Reserves

- ___ Creation/establishment of reserves (type of reserve, purpose, designation of capital reserve as to specific or type);
- ___ Authorizations to spend moneys from;
- ___ Permissive referendum requirements (public notice to spend subject to permissive referendum)

Special Districts

- ___ Creation, extensions and/or dissolution of special districts;
- ___ Establishment/changes in user fees (water, sewer, refuse, other);

Revenues

- ___ Receipt of significant revenues such as grant money or other types of aid;
- ___ Insurance recoveries;
- ___ Sales of surplus or obsolete equipment

Contracts

- ___ Contracts (fire protection, ambulance service, public library, inter-municipal);
- ___ Public hearings relating to contracts, when required

Authorization

___ Once sealed bids are received, they should be entered in the minutes along with the individual prices quoted by each vendor.

___ Once a determination has been made which vendors are responsible bidders and have met the specifications of the advertisement, the board passes a resolution awarding the contract to the lowest responsible bidder and this information is entered in the minutes. This resolution is the board's authorization to enter into a contract.

___ If a contract is awarded to other than the apparent low bidder, a detailed explanation must be included in the minutes explaining why the apparent low bidder(s) were not successful.

___ After the vendor supplies goods and/or services and submits a bill, the claim is audited and approved for payment. The authorization to pay the claim must be entered in the minutes.

Other

- ___ Annual audit of officials receiving/disbursing money by board (or CPA);
- ___ Receipt of monthly reports (supervisor, town clerk, any other departmental);
- ___ Designation of official newspaper;

- ___ Public hearings (local laws);
- ___ Notice of litigation (by the town, against the town);
- ___ Disclosures of interests in contracts (conflicts of interest);
- ___ The authorization from the town board to have the clerk advertise and receive bids.

Saving Money and Getting it Right! Insurance Coverage Tips for RFP's

August 2000 Municipal Insurance Workshop handout presented by Rose & Kiernan and sponsored by the Tug Hill Commission.

Contact: Rose and Kiernan, Inc.
 Insurance and Security Bonds
 418 Washington Street
 P.O. Box 139
 Watertown, New York 13601
 (315) 782-1300

Property – Miscellaneous Locations

- ___ Storage Buildings
- ___ Radio and TV repeater equipment
- ___ Reservoir roofs and tanks
- ___ Lift and pump stations
- ___ Official's home offices
- ___ Cemetery structures
- ___ Recycling facilities (often leased to towns)
- ___ Recreational structures (often donated)
- ___ Property leased – old park or improvement districts

Property - Breakdown Coverage

- ___ Extra expenses (hauling waste to an alternate site, temporary heaters)
- ___ Recharging systems (refrigerants)
- ___ Loss of income
- ___ Contamination

Off Premises Power Coverage

_____ Coverage is provided for the loss caused by direct damage to off-premise damage to utilities, power, phone, water, etc.

Extended Water Damage

_____ Covers water that seeps into basements, surface water and backup of sewer and drains. Does not cover over flow of a body of water/floods

Equipment Replacement Cost

_____ Daily use equipment (compactors and loading equipment)

_____ Money earning equipment (plows and refuse hauling equipment)

_____ Equipment having no backup (emergency equipment)

_____ Equipment when replacement cost and current value are less than 20% different.

_____ Equipment that is leased.

_____ Obsolete items that cannot be replaced.

_____ Equipment that is leased and municipality is contractually obligated to have only current value.

_____ Equipment that has a large differential in the replacement cost and the current value (graders, bucket trucks)

_____ Equipment available inexpensively through leasing or mutual aid.

_____ Rental Reimbursement coverage

Special Assets

_____ Library books

_____ Employee Personal Effects – often required by labor contracts

_____ Watercraft

_____ Signs

_____ Computer media and data

_____ Valuable papers (applications for permits, record, maps, etc.)

_____ Voting machines

_____ Fine arts

Police/Law Enforcement Coverage Additions

_____ Wrongful acts definition added as covered

- ___ Reasonable use of force when used to protect persons or property
- ___ Communicable diseases
- ___ Moonlighting

Public Officials

- ___ Duty to defend
- ___ Discrimination and violation of civil rights
- ___ Employment practices liability (hiring, firing, promoting, demoting, etc.)
- ___ Discrimination, violation of civil rights, harassment
- ___ Back wages, health, and pension benefits
- ___ Enhanced Employment Practice Coverage (slander, invasion of privacy, mental anguish, humiliation)
- ___ Non-monetary or injunctive relief coverage

General Liability – Buy Backs

- | | |
|---|---------------------------------|
| ___ Sexual abuse and molestation | ___ Halfway Houses |
| ___ Law enforcement liability for codes officers and judges | ___ Horse races |
| ___ Failure to supply | ___ Housing authority |
| ___ Incidental medical malpractice – EMT’s and paramedical | ___ Industrial parks |
| ___ Sudden and accidental pollution | ___ Jails/lockups |
| ___ Injury to volunteers | ___ Landfill, dump, incinerator |
| ___ Contractual liability extended to slander, false arrest, etc. | ___ Law enforcement |
| ___ Mental anguish and humiliation | ___ Marinas |
| ___ Blanket additional insureds for contracts | ___ Museums/library |
| ___ Aircraft | ___ Nursing/Convalescent Homes |
| ___ Airports | ___ Paid Fire Department |
| ___ Ambulance service, EMT’s | ___ Parks and playgrounds |
| ___ Animal pound | ___ Pay parking lot |
| ___ Arenas/grandstands/bleachers | ___ Power generator plant |
| ___ Athletic programs | ___ Quarries/gravel pits |

- | | |
|---|--|
| <input type="checkbox"/> Auto/motorcycle races | <input type="checkbox"/> Rifle ranges |
| <input type="checkbox"/> Beaches, lakes reservoirs | <input type="checkbox"/> Rodeos |
| <input type="checkbox"/> Blasting operations | <input type="checkbox"/> Sanitary sewers |
| <input type="checkbox"/> Bridges | <input type="checkbox"/> Schools or colleges |
| <input type="checkbox"/> Bus/mass transit | <input type="checkbox"/> Sewage disposal |
| <input type="checkbox"/> Carnivals/amusement rides | <input type="checkbox"/> Skating rinks (ice or roller) |
| <input type="checkbox"/> Cemeteries | <input type="checkbox"/> Skate board park |
| <input type="checkbox"/> Chemical spraying | <input type="checkbox"/> Ski facilities/activities |
| <input type="checkbox"/> Clinics/hospitals | <input type="checkbox"/> Stadiums/Convention Centers |
| <input type="checkbox"/> Concession stands | <input type="checkbox"/> Storm sewers |
| <input type="checkbox"/> Dams, levees or dikes | <input type="checkbox"/> Street cleaning |
| <input type="checkbox"/> Day camps, Day Care | <input type="checkbox"/> Street or road maintenance |
| <input type="checkbox"/> Detox Centers | <input type="checkbox"/> Swimming pools |
| <input type="checkbox"/> EMT's/Paramedics/Nurses | <input type="checkbox"/> Transportation systems |
| <input type="checkbox"/> Fairs | <input type="checkbox"/> Utilities – Gas/Electric |
| <input type="checkbox"/> Festivals/Parades | <input type="checkbox"/> Utilities - Water |
| <input type="checkbox"/> Fire Departments | <input type="checkbox"/> Vacant land |
| <input type="checkbox"/> Fireworks | <input type="checkbox"/> Volunteer Fire Department |
| <input type="checkbox"/> Garbage collection/recycling | <input type="checkbox"/> Watercraft |
| <input type="checkbox"/> Golf courses | <input type="checkbox"/> Wharves, piers, docks |
| | <input type="checkbox"/> Zoos |