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March/April 2009

Article for *Minnesota Township News*

Maintenance of Town Records

By Rebecca Otto, State Auditor

Town records need to be preserved. Minnesota law requires all town officers to make and preserve all records necessary for “a full and accurate knowledge of their official activities.”

According to the law, a town’s records include all written or printed books, papers, letters, contracts, documents, maps, plans, computer-based data, and other records made or received in connection with the transaction of public business. The town’s chief administrative officer is responsible for the preservation and care of the town’s records. This duty not only prohibits destruction of the records but requires the custodian to take such steps as are necessary to protect government records from deterioration, mutilation, loss, or destruction.

To help towns comply with these requirements, the Minnesota Historical Society offers a records retention and filing system for towns. The Historical Society suggests that ordinances, contracts, books of town meeting minutes, and other critical town documents be maintained in a fireproof file. You can find more information on the Historical Society’s Archive services at <http://www.mnhs.org/preserve/records/recser.html>.

Access to Town Records

Town records must be accessible. By law, a town clerk is required to “keep in the clerk’s office a true record of all of its proceedings” and to “file and safely keep all papers required by law to be filed in the clerk’s office.” Similarly, towns must maintain a journal of votes taken at an open meeting. The journal must be open to the public during all normal business hours where records of the public body are kept.

In addition, townships located in the seven-county metropolitan area must comply with the Minnesota Government Data Practices Act (“MGDPA”). Among other requirements, the MGDPA requires the responsible authority keep records containing government data “in such an arrangement and condition as to make them easily accessible for convenient use.”

Where to Keep Town Records

Maintaining documents at the town hall may provide easier access than keeping the documents at a private residence. Keeping records at a private residence may present different security risks for the records than a secure town hall location, risks both to the records themselves and to any “not public” information contained in the records.

We recognize that many towns do not have a town hall in which town records may be securely stored and that many towns do not maintain regular business hours. As a result, some towns may make other arrangements for providing access to their records, such as allowing town documents to be viewed at town board meetings or at times convenient to interested parties.

Destruction of Town Records

A town cannot destroy its records, except at the direction of the State Records Disposition Panel. Townships can only destroy records 1) according to a records retention schedule approved by the Records Disposition Panel and adopted by the town board of supervisors, or 2) with specific permission to destroy the data from the State Records Disposition Panel.

The town board of supervisors should determine where town records will be maintained based upon Minnesota law and the options available to the town. In addition, a town may want to consult with the Minnesota Association of Townships or the town’s attorney to make sure that the maintenance of town records is in compliance with Minnesota law.