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WY. DEPT. OF AGRICULTURE
NATURAL RESOURCES

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MEMORANDUM

TO: Justin Williams

FROM: Ken Nelson 

SUBJECT: Tape recordings of Conservation District Meetings

DATE: June 17, 2009

You sent the following request via email and requested I provide the relevant state statutes and my interpretation:

The [conservation] district uses a tape recorder during their meetings. The tape is replayed later to generate a hard copy of written minutes. The board will approve the written minutes at the next scheduled meeting. Does the district have to keep the tape recording or does the hard copy of minutes replace the tape? If not, how long does the district have to keep the tape on file?

The Public Records Act is found at WYO. STAT. ANN. §§ 16-4-101 through 16-4-205. The term "public records" is defined at WYO. STAT. ANN. § 16-4-201(a)(v) as follows:

"Public records" when not otherwise specified includes the original and copies of any paper, correspondence, form, book, photograph, photostat, film, microfilm, sound recording, map drawing or other document, regardless of physical form or characteristics that have been made by the state of Wyoming and any counties, municipalities

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and political subdivisions thereof and by any agencies of the state, counties, municipalities and political subdivisions thereof, or received by them in connection with the transaction of public business, except those privileged or confidential by law; (emphasis added).

“Political subdivision” is defined as “every county, city and county, city, incorporated and unincorporated town, school district and special district within the state[.]” WYO. STAT. ANN. § 16-4-201(a)(iv) (emphasis added). Further, the Wyoming Conservation Districts Law defines a “conservation district” as “a governmental subdivision of this state[.]” WYO. STAT. ANN. § 11-16-102(a)(v).

Because a conservation district is a political subdivision which is subject to the Public Records Act, a tape recording of a conservation district board meeting is a public record which the district must retain.

The retention period for public records is determined by general retention schedules adopted by the Records Committee within the Division of State Archives. State Archives is required to maintain all state public records, arrange retention schedules, and disseminate information on all phases of records management. WYO. STAT. ANN. §§ 9-2-406(a) and 9-2-411 through 412. The retention schedule applicable to conservation districts (attached) provides that minutes of conservation district meetings are to be retained for at least one year and then transferred to State Archives. As a result, minutes of board meetings, including any recordings thereof, are permanent records.

CONCLUSION

A conservation district is a political subdivision of the State and is subject to the Public Records Act. Public records must be retained according to the applicable retention schedules adopted by State Archives. As such, minutes of conservation district meetings made by or on behalf of the district must be retained permanently. Although the tape recording of conservation district meetings is not required, if such a recording is made, it must be retained permanently. According to the retention schedule, a conservation district may, if it chooses, transfer the minutes of a board meeting and any recordings to State Archives after a year.

If you have further questions, please contact me, or you can contact Pat Newbern with State Archives. Her phone number is 777-8907.

ANALYSIS OF RECORDS

AR-1 # 96-241
(Disposition Number)

Department Department of Agriculture
Division Natural Resources Section Policy
Title of Records Conservation Districts Minutes (copies)
Statutes Affecting Retention _____

Description and Use (includes confidentiality of information)

This file contains copies of meeting minutes sent in by various conservation districts (not all of the districts send in copies of their minutes).

CONTINUING AUTHORITY ACTION REQUESTED:

Retain 1 year, then transfer to State Archives.

Date Request Approved: Aug 26, 1996 Denied: _____

W.S. 9-2-401 through 9-2-419

State Records Committee:

Dainette K. Evans

Department Head/Records Officer

Dainette Evans 8/15/96
(Signature)

Attorney (local records)

Karyl Robb

Department of Commerce

Chairman

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