

# **BYLAWS OF THE ARCHIVES ADVISORY BOARD**

*Adopted by Board members on July 8, 2021*

## **ARTICLE I NAME, STATUTE, PURPOSE, AND LOCATION**

### **Article I, Section 1. Name**

The name of the organization is the Archives Advisory Board.

### **Article I, Section 2. Statute**

The Archives Advisory Board is established in Maine Statute in section 12004-I, subsection 8. Its membership and responsibilities are listed in Title 5, Chapter 6, §96.

Per section 12004-I, “the primary responsibilities and powers of advisory boards and boards with minimal authority include the responsibility and authority to advise state agencies, review policies and procedures, conduct studies, evaluate programs and make recommendations to the state agencies, the Legislature or the Governor.”

### **Article I, Section 3. Purpose**

According to statute, the Archives Advisory Board shall serve to advise the State Archivist in administration of Maine Title 5, Chapter 6 and to perform such other duties as may be prescribed by law.

### **Article I, Section 4. Location**

The principal office of the Board will be located at the administrative offices of the Maine State Archives.

## **ARTICLE II Board Members**

### **Article II, Section 1. Powers**

The Maine State Archives Advisory Board serves to advise the Maine State Archivist through the review of proposed records retention schedules and related policy issues for both Maine state government and local governments, including municipalities, counties, schools, and special purpose districts; ensuring proper records management procedures and schedules are in place.

The Archives Advisory Board has the power to create and enact their own practices and procedures to execute the powers listed above.

### **Article II, Section 2. Number**

According to Title 5, Chapter 6, §96, there are nine voting members of the Archives Advisory Board with expertise in the administrative, fiscal, legal and historical value of records. The State Archivist Serves as a non-voting member.

### **Article II, Section 3. Board Appointment**

Voting members shall be appointed by the Secretary of State. Appointment must meet be as follows:

- A. Two public members representing the interests of public access to government records, recommended by a public interest group;
- B. Two members from municipal or county government with expertise in local government records, recommended by local or county government entities;
- C. One member representing a state or local historical society, recommended by a state or local historical society;
- D. One member with expertise in the legal requirements of records retention and public records law, recommended by the Attorney General;
- E. One member with expertise in the State's fiscal requirements of records retention, recommended by the Governor;
- F. One member from the executive branch with expertise in executive branch records, recommended by the Governor; and
- G. One member from the Department of Administrative and Financial Services, Office of Information Technology with expertise in electronic records, electronic records management systems and emerging technology related to electronic records, recommended by the Governor.

The State Archivist serves as a nonvoting member.

### **Article II, Section 4. Terms**

Members serve a 3-year term and continue serving until either reappointed or replaced. Member compensation is limited to reimbursement, as established in chapter 379, section 12004-I, subsection 8.

### **Article II, Section 5. Resignation**

Any Board member may resign by delivering his/her/they written resignation to the Archives Advisory Board at its principal office or to the Chair or Clerk. Such resignation shall be effective upon receipt unless it is specified to be effective at some other time or upon the happening of some other event.

### **Article II, Section 6. Removal**

A Board member may be removed from office at any time by a two-thirds vote of the Board members then in office, or if the Board member has missed 3 or more meetings without an excused absence.

### **Article II, Section 7. Vacancies**

Continuing Board members may act despite a vacancy or vacancies in the Board and shall for this purpose be deemed to constitute the full Board. Any vacancy in the Board, however occurring, including a vacancy resulting from the enlargement of the Board, must be appointed by the Secretary of State, per Maine Statute – Title 5, Chapter 6, §96. A person so elected as a Board member to fill a vacancy shall hold office until the expiration of the term for which he, she or they were was elected.

**Article II, Section 8. Regular Meetings**

Regular meetings of the Archives Advisory Board may be held at such times and places as the Board members may fix.

**Article II, Section 9. Notice**

Meetings of the Archives Advisory Board are considered public meetings. Notice of a scheduled regular meeting of the Board must be announced two weeks before the scheduled meeting date by mail, telephone, and/or electronic media. Notice of a meeting need not be given to any Board member if a written waiver of notice, executed by him, her or them before or after the meeting, is filed with the records of the meeting, or to any Board member who attends the meeting without protesting prior thereto or at its commencement the lack of notice to him, her, or them.

**Article II, Section 10. Special Meetings**

Special meetings of the Board may be called by the Chair, by the Clerk, or by written notice of a majority of the Board members, submitted to the Clerk, and shall be held at the administrative offices of the Maine State Archives. Forty-eight hours' notice by mail, telephone, and/or electronic media shall be given for a special meeting unless shorter notice is adequate under the circumstances. A notice or waiver of notice need not specify the purpose of any special meeting.

**Article II, Section 11. Quorum**

A majority of the Board will constitute a quorum. If a quorum is not present at roll call, a meeting cannot be held.

**Article II, Section 12. Action at Meeting**

At any meeting of the Board at which a quorum is present, the action of the Board on any matter brought before the meeting shall be decided by vote of a majority of those present, unless a different vote is required by law or these Bylaws.

**Article II, Section 13. Telephone or Virtual Conference Meetings**

Members of the Board or any committee designated thereby are expected to be physically present for public proceedings except when being physically present is not practicable. When being physically present is not practicable, members may participate in a meeting of such Board or committee by means of a conference telephone, video conferencing, or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time and participation by such means shall constitute presence in person at a meeting.

Circumstances in which physical presence for one or more members is not practicable may include:

- (1) The existence of an emergency or urgent issue that requires the Board to meet by remote methods;
- (2) Illness, other physical condition or temporary absence from the jurisdiction of the Board that causes a member of the Board to face significant difficulties traveling to and attending in person at the location in the notice;
- (3) significant distance a Board member must travel to be physically present at the location in the notice;
- (4) travel that includes geographic characteristics that impede or slow travel, including but not limited to islands not connected by bridges;

Members of the public may attend by remote methods when members of the Board participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities. Members of the public will be provided the same remote access and opportunity to participate as is provided to the Board members remotely participating.

A member of the Board who participates in a public proceeding by remote methods is present for purposes of a quorum and voting;

All votes taken during a Board meeting using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the Board and the public; and

The Board will make all documents and other materials considered by the Board available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend the proceedings of the Board in person, as long as additional costs are not incurred by the Board.

#### **Article II, Section 14. Committees**

The Board members may, by vote of a majority of the number of Board members then in office, elect from their number an executive or other committees and may, by like vote, delegate thereto some or all of their powers except those which by law or these Bylaws they are prohibited from delegating. Except as the Board members may otherwise determine, any such committee may make rules for the conduct of its business, but unless otherwise provided by the Board members or in such rules, its business shall be conducted as nearly as possible in the same manner as is provided by these Bylaws for the Board. The Board members shall have the power to fill vacancies in, change the membership of, or disband, any such committee. The Chair of the Board shall serve as an ex-officio member of all committees, with vote, and shall preside at meetings of the Executive Committee. The Chair shall nominate Board members to serve on each committee and designate a chair of each, subject to approval of the Board.

Meetings of the all Board Committees and Subcommittees will follow Article II, Section 9 for meeting notice.

The Standing Committee of the Archives Advisory Board shall be the Executive Committee, whose members shall consist of the Chair and Vice Chair, with the Clerk and State Archivist in attendance. The Executive Committee, working with the State Archivist, will set the agenda for the Board meetings. The agenda and any supporting documentation will be provided to Board members with the meeting notice.

#### **Article II, Section 15. Order of Business**

The regular order of business of the Board shall be:

- a. Call to order
- b. Roll Call
- c. Minutes of Previous Meeting
- d. Consideration of Disposition Schedules
- e. State Archivist Report
- f. Report of Standing and Special Committees
- g. Potential agenda items for future meetings

h. Adjournment

The proceedings of the Board shall be conducted in accordance with the current Robert's Rules of Order, except as otherwise specified in these regulations.

**Article II, Section 16. Minutes of Meetings**

The Board shall maintain an accurate, permanent written record of all minutes and proceedings.

**ARTICLE III  
OFFICERS**

**Article III, Section 1. Enumeration**

The officers of the Board shall be a Chair, a Vice Chair, and a Clerk, and other officers as may from time to time be determined by the Board members. The Chair and Vice Chair must be a member of the Board. The Clerk must be a Maine State Archives staff member.

**Article III, Section 2. Election**

The Chair and Vice Chair must be elected by a majority of the Board members at a regular meeting and must verbally accept the position at that meeting.

**Article III, Section 3. Terms**

Regular terms of office for officers shall be for 1 year and until the election and qualification of successors. Each officer shall hold office until their successor is duly elected and qualified. Each officer other than the Chair may serve for a maximum of four terms in such office, provided, however, that any partial term resulting from the filling of a vacancy shall not be considered a term for purposes of this sentence. The Chair may serve for a maximum of 3 terms, provided, however, that any partial term resulting from the filling of a vacancy shall not be considered a term for purposes of this sentence. The Chair may be eligible to serve in the position again after a period of 1 year out of office.

**Article III, Section 4. Resignation**

Any officer may resign by delivering his/her/they written resignation to the Board at its principal office or to the Chair or Clerk of the Board. Such resignation shall be effective upon receipt unless it is specified to be effective at some other time or upon the happening of some other event.

**Article III, Section 5. Removal**

An officer may be removed from office at any time by a two-thirds vote of the Board members then in office.

**Article III, Section 6. Vacancies**

Any vacancy at any time existing in any office may be filled by the Board members at any meeting and such successor in office shall hold office for the unexpired term of his/her/they predecessor.

**Article III, Section 7. Chair**

The Chair shall preside at all meetings of the Board, except as the Board members otherwise determine. The Chair will lead the Executive Committee.

**Article III, Section 8. Vice Chair**

In the absence or disability of the Chair, his/her/they powers and duties shall be performed by the Vice Chair. The Vice Chair shall serve on the Executive Committee.

**Article III, Section 9. Clerk**

The Clerk shall record all votes and proceedings of the Board members at their meetings. The Clerk shall attend Executive Committee meetings. If the Clerk is absent from any meeting of the Board, a temporary Clerk chosen by the State Archivist shall exercise the duties of the Clerk at the meeting.

**ARTICLE IV  
AMENDMENT**

These bylaws may be altered, amended or repealed, in whole or in part, having undergone a first and second reading at consecutive meetings, by the affirmative vote of two-thirds of the Board members. Notice must contain a statement of the proposed alteration or amendment, provided that the proposed amendment has been submitted to the Clerk, in writing, at least 30 days in advance of the meeting, by resolution of the Board.