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JOLIET TOWNSHIP  
WILL COUNTY, ILLINOIS

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ORDINANCE  
NO. 417-2026

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AN ORDINANCE ESTABLISHING A RECORDS  
RETENTION AND DISPOSAL POLICY

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*Township Supervisor*

KENDRA LANDFAIR  
*Town Clerk*

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BETTY WASHINGTON  
*Trustees*

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STATE OF ILLINOIS        )  
COUNTY OF WILL         )     SS.  
TOWNSHIP OF JOLIET     )

**ORDINANCE NO. 417-2026**  
AN ORDINANCE ESTABLISHING A RECORDS RETENTION  
AND DISPOSAL POLICY

**WHEREAS**, Joliet Township, Will County, State of Illinois (the "Township") is a duly organized and existing township and a unit of local government organized under the laws of the State of Illinois and is operating under the provisions of the Illinois Township Code, 60 ILCS 1/1-1, *et seq.*, and all laws amendatory thereto; and

**WHEREAS**, Section 75-5 of the Township Code (60 ILCS 1/75-5) designates the Town Clerk as the custodian of all records, books, and papers of the Township, and authorizes the Clerk to administer oaths and take affidavits as required by law; and

**WHEREAS**, Section 75-10 of the Township Code (60 ILCS 1/75-10) requires the Town Clerk to record the minutes of proceedings of every township meeting and enter in the book of records every order, direction, by-law, rule, and regulation made by the electors; and

**WHEREAS**, the Local Records Act (50 ILCS 205/1, *et seq.*), enacted in 1962, regulates the preservation and disposal of public records for all units of local government in Illinois, including townships; and

**WHEREAS**, the Local Records Act defines a "public record" as any book, paper, map, photograph, born-digital electronic material, digitized electronic material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed, or received by any agency or officer pursuant to law or in connection with the transaction of public business (50 ILCS 205/3); and

**WHEREAS**, the Local Records Act establishes the Local Records Commission, which approves record retention schedules (life cycles) for local governmental agencies, and provides that no public record may be disposed of without the approval of the appropriate Local Records Commission (50 ILCS 205/4); and

**WHEREAS**, the Illinois Administrative Code, Title 44, Part 4000 (for Downstate Local Records Commission), establishes regulations governing the retention and disposal of local government records; and

**WHEREAS**, the Illinois State Archives, Records Management Division, provides guidance to local governments for managing records and completing Applications for Authority to Dispose of Local Records ("APP") and Records Disposal Certificates ("DC"); and

**WHEREAS**, under Illinois law, tampering with public records, including knowingly and without lawful authority altering, destroying, defacing, removing, or concealing any public record, constitutes a Class 4 felony (720 ILCS 5/32-8); and

**WHEREAS**, the Township Board finds it necessary and in the best interests of the Township to formalize a records retention and disposal policy to ensure compliance with the Local Records Act and to establish uniform procedures for the management, retention, and lawful disposal of Township records.

**NOW, THEREFORE, BE IT ORDAINED** by the Supervisor and Board of Trustees of Joliet Township, Will County, Illinois, as follows:

## **ARTICLE I – GENERAL PROVISIONS**

**Section 1-1. Recitals.** The above recitals and findings are found to be true and correct and are incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 1-2. Title.** This Ordinance shall be known and may be cited as the "Joliet Township Records Retention and Disposal Ordinance."

**Section 1-3. Purpose.** The purpose of this Ordinance is to establish a uniform policy for the retention and disposal of public records in compliance with the Local Records Act (50 ILCS 205/) and applicable regulations, to protect the integrity of Township records, to ensure public access to records as required by law, and to provide for the orderly and lawful disposal of records that have met their retention requirements.

**Section 1-4. Applicability.** This Ordinance applies to all public records created, received, maintained, or held by any department, office, elected official, appointed official, employee, or agent of Joliet Township, regardless of physical form or characteristics, including but not limited to paper documents, electronic records, emails, digital files, photographs, recordings, and any other media.

## **ARTICLE II – DEFINITIONS**

**Section 2-1. Definitions.** The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

(a) "**Application for Authority to Dispose of Local Records**" or "**APP**" means the document approved by the Local Records Commission that provides a listing of all public records held by the Township and includes the approved retention period (life cycle) for each record series.

(b) "**Department**" means any office, division, or operational unit of Joliet Township, including but not limited to: the Supervisor's Office, the Clerk's Office, the Assessor's Office, the Road District, General Assistance, and any other department or program administered by the Township.

(c) "**Human Resources Director**" means the Township official or employee responsible for personnel administration, or such other person designated by the Township Supervisor to perform human resources functions.

(d) "**Local Records Act**" means the Illinois Local Records Act, 50 ILCS 205/1, *et seq.*, as amended.

(e) "**Local Records Commission**" means the Downstate Local Records Commission established pursuant to the Local Records Act, which approves record retention schedules for local governmental agencies outside of Cook County.

(f) "**Public Record**" means any book, paper, map, photograph, born-digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed, or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein, as defined in Section 3 of the Local Records Act (50 ILCS 205/3).

(g) "**Records Custodian**" means the Town Clerk or their designee responsible for maintaining the Township's records retention schedule and coordinating records disposal.

(h) "**Records Disposal Certificate**" or "**DC**" means the form filed with and approved by the Local Records Commission before any public records are destroyed.

(i) "**Record Series**" means a group of related records that are normally used and filed as a unit and that can be evaluated as a unit for retention purposes.

(j) "**Retention Period**" or "**Life Cycle**" means the length of time a record must be kept before it may be disposed of, as established by the Local Records Commission in the Township's approved APP.

(k) "**Transitory Message**" means material created primarily to communicate information of short-term value, including but not limited to: reminders about scheduled meetings or appointments, routine telephone messages, announcements of office events, and similar communications that do not formalize or perpetuate knowledge, set policy, establish guidelines or procedures, certify a transaction, or become a receipt.

## ARTICLE III – RECORDS RETENTION SCHEDULE

**Section 3-1. Adoption of State Retention Schedule.** Joliet Township hereby adopts and incorporates by reference the records retention schedule established by the Local Records Commission and set forth in the Township's approved Application for Authority to Dispose of Local Records (APP). All Township departments, officials, and employees shall comply with the retention periods specified in the APP.

**Section 3-2. Availability of Retention Schedule.** The Office of the Town Clerk shall maintain and have readily available, upon request, the most current records retention schedule (APP) approved by the Local Records Commission for Joliet Township. The retention schedule shall be made available to any Township official, employee, or member of the public upon request during regular business hours.

**Section 3-3. Updates to Retention Schedule.** The Records Custodian shall periodically review the Township's APP and, when necessary, coordinate with the Illinois State Archives and the Local Records Commission to update the retention schedule to reflect changes in Township operations, record-keeping practices, or legal requirements. Any amendments to the APP shall be submitted to the Local Records Commission for approval in accordance with applicable procedures.

**Section 3-4. Permanent Records.** Certain records are designated as permanent and shall never be destroyed, including but not limited to: the APP itself, all approved Records Disposal Certificates, minutes of Township Board meetings, ordinances, resolutions, and other records designated as permanent in the APP. The Records Custodian shall ensure that permanent records are preserved and protected.

## ARTICLE IV – DEPARTMENTAL COMPLIANCE

**Section 4-1. Mandatory Compliance.** All Township departments, elected officials, appointed officials, and employees shall comply with the records retention schedule established by the Local Records Commission. No department or individual may establish alternative retention periods or dispose of records except in accordance with this Ordinance and the Local Records Act.

**Section 4-2. Department Head Responsibility.** Each Department Head, elected official, or officer in charge of a department shall be responsible for:

- (a) Ensuring that all public records within their department are properly created, maintained, and organized in accordance with the retention schedule;
- (b) Identifying records that have met their retention period and coordinating with the Records Custodian for proper disposal;
- (c) Ensuring that no records are destroyed without proper authorization;

- (d) Cooperating with the Records Custodian in conducting records inventories and preparing disposal requests; and
- (e) Notifying the Records Custodian of any records not currently included in the APP so that the retention schedule may be updated.

**Section 4-3. Electronic Records.** Electronic records, including emails, digital files, databases, and other electronic media, are subject to the same retention requirements as paper records. Departments shall ensure that electronic records are maintained in a manner that preserves their integrity, accessibility, and authenticity for the duration of the applicable retention period.

**Section 4-4. Litigation and Audit Holds.** Notwithstanding any retention period established in the APP, no records shall be destroyed if they are subject to pending or anticipated litigation, audit, Freedom of Information Act (FOIA) request, or other legal proceeding. The Records Custodian shall notify all departments of any litigation or audit hold, and affected records shall be preserved until the hold is released.

## **ARTICLE V – RECORDS DISPOSAL PROCEDURES**

**Section 5-1. Prohibition on Unauthorized Disposal.** No public record shall be destroyed, deleted, erased, or otherwise disposed of without prior approval from the Local Records Commission. Unauthorized destruction of public records is a violation of the Local Records Act and may constitute a Class 4 felony under Illinois law (720 ILCS 5/32-8).

**Section 5-2. Records Disposal Certificate Required.** Before any public records are destroyed, a Records Disposal Certificate (DC) must be filed with and approved by the Local Records Commission. The DC shall be prepared by the Records Custodian and shall include the information required by the Local Records Commission, including the APP item number, exact record series title, inclusive dates, and volume of records.

**Section 5-3. Disposal Process.** The following process shall be followed for disposing of records:

- (a) Departments shall identify records that have met their retention period and notify the Records Custodian;
- (b) The Records Custodian shall verify that the retention period has been met and that no litigation, audit, or FOIA hold applies;
- (c) The Records Custodian shall prepare and submit a Records Disposal Certificate to the Local Records Commission at least sixty (60) days before the intended disposal date;
- (d) Records shall not be destroyed until the approved DC is returned by the Local Records Commission;
- (e) Upon receiving the approved DC, records may be destroyed on or after the disposal date specified by the Local Records Commission.

**Section 5-4. Methods of Destruction.** Records containing confidential or sensitive information shall be destroyed by shredding, incineration, or other method that renders the information unreadable and unrecoverable. Electronic records shall be destroyed using methods that ensure complete and irreversible deletion. The Records Custodian shall maintain documentation of the destruction method used.

**Section 5-5. Retention of Disposal Documentation.** All Applications for Authority to Dispose of Local Records (APPs) and Records Disposal Certificates (DCs) shall be retained permanently by the Office of the Town Clerk. These records serve as evidence of compliance with the Local Records Act and may be required to respond to FOIA, audit, or litigation discovery requests for records that have been lawfully destroyed.

## ARTICLE VI – DIGITIZATION OF RECORDS

**Section 6-1. Authorization to Digitize.** The Township may reproduce existing public records in an electronic format in accordance with the Local Records Act and Illinois Administrative Code Title 44, Part 4000. Digitized records shall be stored on a durable medium that accurately and legibly reproduces the original record in all details and does not permit additions, deletions, or changes to the original document images.

**Section 6-2. Disposal of Original Records After Digitization.** After records are digitized, a Records Disposal Certificate must be filed with and approved by the Local Records Commission before the original paper records may be destroyed. A second Records Disposal Certificate must be filed before the digitized electronic records may be deleted from the electronic records management system.

**Section 6-3. Electronic Records Management System.** Digitized records shall be maintained in an electronic records management system (ERIM) that complies with Illinois Administrative Code Title 44, Part 4000.80(i), ensuring that records are retained in a trustworthy manner and remain accessible and usable for subsequent reference throughout the retention period.

## ARTICLE VII – RECORDS CUSTODIAN

**Section 7-1. Designation.** The Town Clerk, or their designee (including the Deputy Town Clerk), shall serve as the Records Custodian for Joliet Township.

**Section 7-2. Duties.** The Records Custodian shall be responsible for:

- (a) Maintaining the Township's approved Application for Authority to Dispose of Local Records (APP);
- (b) Making the current retention schedule readily available upon request;
- (c) Coordinating with the Illinois State Archives and Local Records Commission;

- (d) Preparing and submitting Records Disposal Certificates;
- (e) Maintaining permanent records of all APPs and approved DCs;
- (f) Providing training and guidance to departments on records retention requirements;
- (g) Issuing litigation and audit holds when necessary; and
- (h) Ensuring overall Township compliance with the Local Records Act.

## **ARTICLE VIII – EMPLOYEE ACKNOWLEDGMENT**

**Section 8-1. Acknowledgment Form.** The Office of the Town Clerk shall prepare and maintain a Certificate of Acknowledgment form whereby Township employees certify that they have read, understand, and agree to comply with the provisions of this Ordinance.

**Section 8-2. New Employee Acknowledgment.** All employees hired after the effective date of this Ordinance shall be provided with a copy of this Ordinance and shall submit a signed Certificate of Acknowledgment to the Human Resources Director, or the official designated to perform human resources functions, within **thirty (30) days** of their date of hire.

**Section 8-3. Current Employee Acknowledgment.** All employees employed by the Township as of the effective date of this Ordinance shall be provided with a copy of this Ordinance and shall submit a signed Certificate of Acknowledgment to the Human Resources Director, or the official designated to perform human resources functions, within **one hundred twenty (120) days** of the effective date of this Ordinance.

**Section 8-4. Compliance Monitoring.** The Human Resources Director, or the official designated to perform human resources functions, shall be responsible for monitoring compliance with this Article, maintaining records of all submitted Certificates of Acknowledgment, and reporting any non-compliance to the Township Supervisor and Town Clerk.

**Section 8-5. Retention of Acknowledgment Forms.** All signed Certificates of Acknowledgment shall be retained in the employee's personnel file for the duration of employment and in accordance with the Township's records retention schedule.

## **ARTICLE IX – GENERAL PROVISIONS**

**Section 9-1. Compliance Required.** All Township officials, Department Heads, and employees shall comply with the provisions of this Ordinance. Failure to comply may result in disciplinary action.

**Section 9-2. Severability.** The provisions of this Ordinance are hereby declared to be severable, and should any provision of this Ordinance be determined to be in conflict with any law, statute, or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed

inoperative, unenforceable, and as though not provided for herein, but such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision.

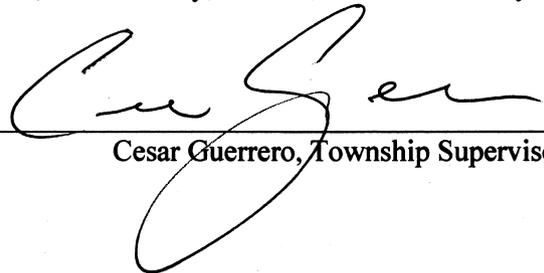
**Section 9-3. Repealer.** All ordinances, resolutions, rules, and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded and repealed.

**Section 9-4. Effective Date.** This Ordinance shall be in full force and effect immediately upon its passage and approval by the Supervisor and Board of Trustees of Joliet Township, Will County, State of Illinois.

**PASSED** by the Supervisor and Board of Trustees of Joliet Township, Will County, Illinois, this 13th day of January 2026, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	ABSTAIN
Trustee Adamowski	✓			
Trustee Bibian	✓			
Trustee Gavin	✓			
Trustee Washington	✓			
Supervisor Guerrero	✓			
<b>TOTAL:</b>	5			

**APPROVED** by the Joliet Township Board, Will County, Illinois, on this 13th day of January 2026.



Cesar Guerrero, Township Supervisor

**ATTEST:**



Kendra Landfair, Town Clerk