



Tribal Cultural Resources

OREGON SECRETARY OF STATE

Addendum | July 2020

Online version available at <https://sos.oregon.gov/pages/tribal-relations.aspx>

Oregon Secretary of State offers this addendum to our report on Tribal Cultural Items (original dated October 2019) in response to the Task Force letter dated February 13, 2020.

Records

TYPES OF RECORDS

The Oregon Tribal Cultural Items Task Force provided a report to the Governor in November 2018 regarding their work on her Executive Order 17-12. In part, this report provided a helpful, three-part definition of tribal cultural resources. Included in this definition were descriptions and definitions of human remains/funerary objects, archaeological materials, and historic objects and documents.

The definition was expanded in January 2020. In particular, the definition of “historic” tribal cultural items was expanded to include both special records and administrative records. For reference, a plain language definition of the two main types of records generated by all state agencies follows.

Administrative Records

This class of document (regardless of media type) is administrative in nature. Examples of these documents would include payroll and procurement records. The standard for administrative records is found in Oregon Administrative Rules 166, Division 300 (found online at <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=591>). These records are related to the business functions of the agency.

Special Documents

Special records retention schedules for Secretary of State are specific to each of the public-facing programs for which the agency is responsible. For example, completed audits of public bodies would be part of the Audits Division special retention schedule.

Issues for Follow-Up

In its post-report letter to Secretary of State, the Task Force mentioned three specific issues requiring additional attention by the agency. They are:

1. Administrative records were deemed in the agency’s report as not of cultural interest, but may have information about the disposition of cultural items. Contracts and agreements could include now historic buildings, leases, or other agreements which may be culturally significant.

2. Archives has boxes of photographs which are not indexed. Archives has offered, in the report, to host an intern for the purpose of indexing these boxes. We encourage Archives to do so, even if tribes are not able to identify their own interns for the work.
3. The retention policy timeline is short and many documents that may have contained culturally significant information may have already been destroyed. We are aware that a temporary hold has been placed on destruction of records. Late spring may be a good time to convene a meeting with the SOS Cultural Items Workgroup and Tribal staff to discuss the retention policy in more detail.

Responses

ADMINISTRATIVE RECORDS

In the agency's October 2019 Report to the Task Force, we noted the difference between special records and administrative records. We also noted that we did not expect administrative records to be of interest to the tribes. The expanded definition of Historical items released in January 2020 settles that question by indicating that administrative records are of interest.

The State Archivist will follow up with the Task Force to discuss the scope of both administrative and special records retained by the state and the resource limitations that affect retention of both digital and paper records.

In addition, the Archives Division offers to work with the Task Force to develop a training module to educate all state and local government employees regarding what to look for and whom to contact if they create or maintain records of potential tribal cultural value. The content for said training would be created by the Task Force members or their designees. Archives staff would happily offer their unique expertise and would also provide the technological resource and hosting for the training module.

The State Archivist put a hold on destruction of special records. This hold expires in July 2020. She will approve all destruction going forward to require the sign-off of both the agency records officer *and* the agency's tribal liaison.

INDEXING PHOTO ARCHIVES

The Archives Division will hire a paid intern to review photos in currently unindexed collections. The goal for this intern will be to index these collections with an eye towards potential tribal cultural value. Tribal expertise will, no doubt, be needed to assist in this venture.

RECORDS RETENTION & DESTRUCTION

As already mentioned, the State Archivist will require both agency records officers and agency tribal liaisons to sign off on any records destruction.

In addition, the Archivist offers the Task Force the opportunity to review a list of records series eligible for destruction two months in advance of moving forward with actual destruction. For instance, this would allow the Task Force members or their designees to review records series due for destruction in October 2020 throughout the months of August and September 2020. This approach would require the ongoing participation of the Task Force.

The Governor's office is in the process of reinstating the State Historical Records Advisory Board. The last meeting of this Board was in 2013. The Archivist will create a seat for a tribal representative on the Board to inform not only the work of the Archives Division, but of the Board itself.

Challenges and Opportunities

There are over 3,000 unique government agencies in Oregon that regularly create unique records. The size of these agencies varies widely, as does their capacity and level of resources for records management. This is not a new challenge.

The State Archivist and Tribal Liaison for Secretary of State welcome the Task Force to a tour of the State Records Center. The capacity for this facility is approximately 100,000 boxes. In order to keep like collections with like, the functional capacity is actually closer to 86,000 boxes. Currently, the Center is past functional capacity at 92,000 boxes. This is largely due to the hold on destruction implemented almost a year ago.

The State Records Center does not contain all of the physical records from all state agencies. In fact, agencies can and do establish warehouses for their own records. There are countless records all over the state that fit this criteria. It is not known what capacity other agencies have for records storage in their own warehouses, nor does the State Archivist maintain a list of what records are contained in these warehouses. That is the responsibility of the records officer for the given agency.

Similarly, digital storage for records generated by state agencies is limited by the cost associated with purchasing storage. In our October 2019 report to the Task Force, Secretary of State indicated the type of digital records solution used by Secretary of State and provided a link to accessing documents through our online portal.

The State Archivist would welcome assistance in combing through the current general records retention schedules with fresh eyes. The goal would be to identify record types that could potentially be of tribal cultural value. Values used in the past included Administrative, Legal, Fiscal, and Historical. Less than 5% of all records created by agencies have been designated as Historical using these values.

WORKING GROUP CONTACT INFORMATION

To facilitate the process of authoring the October 2019 report, this follow-up document, and providing future access to documents of interest to the Tribes, the Secretary formed a working group. Tribal leadership, staff and members who have an interest in learning more about tribal cultural resources at Secretary of State are encouraged to contact the Tribal Liaison. Members of the group and their contact information follow:

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