

**SPC1 Minutes of Meetings**

The State Properties Committee (SPC) was established in 1953 (Public Law 1953, Chapter 3105) for the purpose of acquiring, administering, and disposing of state land and other real property. It is composed of a member appointed by the Director of the Department of Administration to serve as chairperson, the Attorney General, serving ex-officio, the General Treasurer, serving as a nonvoting ex-officio member, the Director of the Department of Administration, serving ex-officio, and two members representing the public, appointed by the Governor with the advice and consent of the Senate. This series consists of the SPC's minutes of meetings and associated documentation, which largely concern the review and approval of agencies' applications to sell, lease, transfer, or convey, and/or amend an interest in state-owned land and other real property. (RIGL § 37-6-1)

*Retention:* Permanent.

**SPC2 Property Acquisition and Disposition Files**

The State Properties Committee was established for the purpose of reviewing and approving state agencies' requests to acquire and dispose of land and other real property. For each property, the SPC keeps documentation of both kinds of transactions – property acquisitions and disposal – in a single file. The SPC approval of agency acquisition requests normally occurs in two stages, first giving Conceptual Approval for the agency to issue Requests for Proposals and then to enter into negotiations for the acquisition of a property, and second, granting Final Approval to enter into a contract. The files include documentation related to the SPC's review and approval of agencies' application to acquire property. Documentation includes agency memos requesting Conceptual Approval and completed SPC Conceptual Approval Action Request Forms, which may include information about sources of funding, negotiating price, type of acquisition (purchase, gift, condemnation or negotiated settlement), and the current legal status of the property. Included also are requests for final approval of the final purchase and sale agreement and deeds. The documentation describes the property, the intended use, and may also include, but is not limited to, photographs and maps, SPC letters informing the agency of SPC's approval of the warranty deed, and a copy of the original warranty deed.

The files in this series also include records documenting the SPC's review and decisions on agencies' request for approval to dispose of surplus state land and facilities. The files may contain letters from the agency requesting approval to sell the property, the name of the intended purchaser, photographs, maps and plans, descriptions of the condition of the property, the method of its acquisition, documentation attesting to the purchaser's authority to purchase the property, the intended use of the property, reasons for the sale, and any anticipated objections to the sale, and quitclaim deeds.

In accordance with state law, the SPC notifies other state departments and agencies and other entities of an agency's intention to sell a property, and solicits comments and recommendations. For example, the files may contain memos from Statewide Planning regarding the impact of the transaction on local town and city comprehensive plans, comments from neighboring towns and cities on the transaction, documentation from

the Department of Environmental Management concerning environmental issues as well as agency submissions of Department of Environmental Management *Open Space and Natural Resources Values* forms, which provide information concerning underdeveloped or undeveloped properties that include conservation land, forested land, wetlands, recreation land, agricultural land, and critical habitats. The Rhode Island Historic Preservation Commission must provide written recommendations concerning any archaeological findings and file a written statement releasing the land for sale, or setting conditions on the intended sales. (RIGL § 42-45.1-9)

**a) Condemnation Files**

*Retention:* Permanent.

**b) Historic Properties Files**

*Retention:* Permanent.

**c) All other files**

*Retention:* Retain for fifteen (15) years after state ownership of property terminated.

**SPC3 Property Development Rights Files**

Agencies must obtain State Properties Committee (SPC) approval to enter into agreements for the acquisition of deeds of development rights for particular properties. The acquisition of development rights is a purchased right or conservation easement to a particular property. It restricts all future uses except those specified in the agreement, usually related to farming and environmental and aesthetic preservation, with the goal of permanently protecting the state's best farmland and preserving a base of agricultural land for food protection and open space. Selling development rights enable landowners to keep land in agricultural use and also to receive compensation for the potential development value of the land. The landowner retains ownership of the land and agrees to the terms of a "Deed to Development Rights" limiting future ability to subdivide and develop the land. The documentation includes SPC Action Request Forms, maps and photographs and descriptions of the property, and a summary of the value of the property, for example, conservation or agriculture.

*Retention:* Permanent.

**SPC4 Property Easement/Use Files**

The state may grant easements to towns and cities and other entities for various purposes, including commercial easements and utility easements. State agencies may also seek temporary easements to obtain access to private property for various public purposes. State agencies may also seek to acquire easement rights in perpetuity when they need to access a certain property in order to maintain or repair and maintain certain kinds of equipment that are located on private property. This process may also involve DEM's review and approval of proposed easement transactions for environmental impacts. This series also includes temporary use files, which document the SPC's approval of agreements between agencies and other entities for the temporary use of private property to conduct state business. The records in this series include SPC Action Request Forms, DEM approval letters, and agreement documentation.

**a) Temporary Easement/Use Agreement Files**

*Retention:* Retain ten (10) years after agreement expires.

**b) Permanent Easement Files**

*Retention:* Permanent.

**c) Easements in Perpetuity**

*Retention:* Retain ten (10) years after agreement expires.

**SPC5 City Park Use Permits**

The State Properties Committee may, upon receipt of a request from a city or town, permit the use of state owned property within the city or town for park or recreational purposes. The city or town receiving permission to use state property is held responsible for the proper maintenance and care of the property. Records include requests, certificates of insurance, and agreement documentation.

*Retention:* Retain twenty one (21) years after permit expires.

**SPC6 Property Use Licensing Files**

The State Properties Committee must approve all requests agencies receive for the use of their property and premises for public or private events. Data may include name and address of contact person, phone number, date and type of event, hours requested, name of custodian on duty, and terms and conditions of use. Records include copies of contracts or agreements, certificates of insurance, and waiver release forms executed by event participants, and related correspondence.

*Retention:* Retain ten (10) years after expiration of license.

**SPC7 Lease Files**

State agencies may enter into lease agreements as lessors or lessees with other entities, including individuals and private enterprises as well as other government entities. No agency can enter into a lease agreement without the approval of the State Properties Committee. The records in this series include agency need statements (amount of land/space required, level of finish of interior space, location requirements, environmental issues, utility needs, and any special needs, applications for SPC Conceptual Approval to proceed with a Request for Proposal, copies of the agency's Request for Proposals, and memos related to granting or denial of Conceptual Approval. Also included are letters of request for final approval of lease agreement, and indentures of leases and amendments to leases. Where the state is the lessee, the following documentation is required: Certificates of the Disclosure of Corporations, documentation concerning conformity with tax requirements and handicapped accessibility standards, No Conflict of Interest Certificates, Evidence of Insurance, visual exhibits of the property, Certificates of Authority for signing agreements, the Fire Marshal's approval, and memos notifying the agency of approval. All files are organized by property location.

*Retention:* Retain ten (10) years from date of final payment for lease and final lease extensions.

*Note: This six-year retention is also applicable when a state agency decides to purchase a property or facility it has been leasing.*

**SPC8 Annual Report to General Assembly**

By state law (RIGL § 37-6-1.1), the Committee must submit an annual report of its activities during that fiscal year to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Secretary of State. The report includes rules or regulations promulgated, studies conducted, policies and plans developed, approved, or modified, and programs administered or initiated. The report is also posted electronically on the websites of the General Assembly and the Secretary of State pursuant to the provisions of RIGL § 42-20-8.2.

*Retention:* Permanent.

**SPC9 Quarterly Property Disposal Reports**

State law requires that the SPC submit to the Secretary of State a quarterly report listing all actions taken. Information required includes the name(s), including corporate and fictitious name(s), of all parties to any action taken or approval given, the location, by number, street, and city/town, along with tax assessor's plat and lot, of any property affected by any action taken or approval given, the amount of payment or reimbursement paid or to be paid in each instance, and the location of each document, deed, and/or other instrument of conveyance and demise of land or other real property sold or leased. The Secretary of State compiles, publishes, and make available for public inspection all lists prepared in accordance with the above chapter § 37-6-1.3 Public disclosure of the management and disposal of property records. (RIGL §§ 37-7-1, 37-7-2, 37-7-3, 37-7-5, 37-7-5.1, 37-7-8, and 37-7-9)

*Retention:* Retain three (3) years.

**SPC10 Certificates of Records Destruction**

Certification of Records Destruction forms (PRA 003) signed by authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (RIGL §38-1-10, §38-3-6(j), and §42-8.1-10.).

*Retention:* Permanent.