

CODE

**REDMOND CITY COUNCIL
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, ENACTING CHAPTER 1.03 OF THE REDMOND MUNICIPAL CODE ENTITLED, "CITY RECORDS"

WHEREAS, the City Council desires to implement policy regarding the governance of city records in compliance with the Revised Code of Washington and applicable rules and regulations; and

WHEREAS, the City Council acknowledges that compliance with the laws, rules, and regulations, as well as the necessary continuing education associated with compliance, is affected through adoption of this policy and the City of Redmond Records Program; and

WHEREAS, the City of Redmond Records Program will provide for a strategic plan, as well as provisions for training, disaster recovery of essential records, and audit of the program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the city code.

(1) There shall be established a City of Redmond Records Program "city records program" in the office of the city clerk. It is in the best interests of the city and the community thereof, and essential for the administration of city government, to maintain and preserve accurate governmental records; to provide public access to city records as defined by law; to maintain the security of records which are defined by law as exempt; and to ensure the preservation of essential and historically valuable records.

(2) The city clerk shall designate and direct:

(a) The City of Redmond Records Management Program Coordinator who is responsible for the records management program and will develop and recommend policies and procedures related to the management of all city records.

(b) The City of Redmond Public Records Disclosure Program Coordinator who is responsible for the operation of the public records disclosure program and will develop and recommend policies and procedures regarding public access to city records.

(C) Purpose:

(1) The purpose of the city records program is to provide for efficient, economical, and effective controls over the public records of the city throughout their lifecycle.

(2) The program shall be designed to:

(a) Facilitate and sustain day-to-day operations.

(b) Support public records disclosure requests.

(c) Ensure that the city is able to identify, store, retrieve, and dispose of records while complying with regulatory, legal, and business requirements.

(d) Ensure the security of records as required by law.

1.03.020 POLICY AND OWNERSHIP

(A) It is hereby declared to be the policy of the city to provide controls over the creation, distribution, organization, maintenance, use, and disposition of all city records through a comprehensive system of integrated procedures for their management.

(B) All city records, as defined in section 1.03.040 of this ordinance, are hereby declared to be property of the City of Redmond. These records shall be

created, maintained, and disposed of in accordance with the provisions of this ordinance and procedures authorized by it and in no other manner.

(C) No city official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

1.03.030 CITY RECORDS PROGRAM STRATEGIC PLAN

(A) The office of the city clerk shall develop a city records program strategic plan that shall:

(1) Contain policies and procedures designed to reduce the costs, improve the efficiency of recordkeeping, and ensure compliance throughout the city's departments.

(2) Ensure that due care is taken to maintain and preserve city records safely and accurately over the long-term.

(3) Ensure temporary and transitory records are properly controlled until they meet their retention period and can be destroyed.

(4) Ensure the permanent preservation of the essential and historically valuable records of the city, whether hard copy, electronic or otherwise.

(5) Ensure public access to records.

(B) The city records program strategic plan must be submitted to the city council for approval and be designed to enable the records management program coordinator and public records disclosure program coordinator to effectively carry out their duties, as prescribed by state law and this ordinance.

(1) Once approved by the city council, the strategic plan shall be binding on all staff, offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city.

1.03.040 DEFINITIONS

- **Active Record:** Active records are typically housed within city offices and are referred to at least several times per year.

- **Disposition:** Actions taken with records when they are no longer required to be retained by the agency.

- **Disposition Authority Number (DAN):** Control number assigned to records series based on the State of Washington's Local Government Common Records Retention Schedule and other applicable schedules.

- **Essential Record:** Public records that local government agencies must have in order to maintain or

resume business continuity following a disaster. The retention requirements for essential records may range from very short-term to archival.

- **Inactive Record:** A record accessed infrequently or no longer used in the conduct of current business and is still required to be kept by the retention schedule. Inactive records are often stored off-site and must continue to be safeguarded.

- **Non-Essential Records:** Public records which are not required in order for an agency to resume its core functions following a disaster.

- **Permanent (Archival) Record:** Records which possess enduring legal and/or historic value and must not be destroyed. These records need to be retained and preserved according to archival best practices until such time as they are transferred to Washington State Archives.

- **Record:** Any documentation, in any format, that is created, received, or used in the transaction of city business. A record can be stored on any device or in any physical location. For example: paper, correspondence, completed forms, maps/drawings,

photographs, recordings, text messages, social media posts, emails, websites, and electronic records.

- **Records Management:** The application of legal and best practice management techniques for the creation, use, maintenance, retention, preservation, and disposal of records, for the purposes of reducing costs and improving the efficiency of recordkeeping. The term includes the development of records retention schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of records storage systems.

- **Records Series:** A group of records performing a specific function, which is used as unit, filed as a unit, and may be transferred or destroyed as a unit. A records series may consist of a single type of record or a group of records in multiple formats that are filed together to document a specific function.

- **Records Storage System:** These systems include physical storage (off-site storage, storage rooms, shelves, desks, office drawers, microfilm, etc.) and

electronic media storage (shared drives, software programs that generate records, cloud environments, databases, etc.).

- **Retention Period:** The minimum time that records must legally be kept.

- **Retention Schedule:** A table setting out requirements adopted by the Washington State Local Records Committee which specifies the retention period, whether the record is designated essential, archival, or potentially archival, and the final disposition of the record.

- **Temporary (Non-Archival) Record:** Records which do not possess sufficient historic value to be designated as "Archival". Agencies must retain these records for the minimum retention period specified by the appropriate, current retention schedule.

- **Transitory Records:** Records with minimal retention value. These records were created or received by the agency and are typically of short-term, temporary informational use.

1.03.050 ROLES AND RESPONSIBILITIES

- **Records Management Program Coordinator:** A city employee, designated by the city clerk, who has general

administrative responsibility for development and implementation of the records management program. The records management program coordinator shall have authority to establish citywide policies and rules related to the management of records.

(1) Duties include: Providing records management advice and assistance; developing, disseminating, coordinating file maintenance guidance, records disposition procedures, and computer-assisted retrieval programs in order to meet the current and long-term informational needs of the city; and providing all new city employees and elected officials onboarding materials on the basics of records management and public records.

• **Public Records Disclosure Program**

Coordinator: A city employee, designated by the city clerk, who works in conjunction with department records coordinators to fulfill public records disclosure requests. This employee has general responsibility for the public disclosure software program administration, staff training, development of public records disclosure policies and procedures, fulfilling reporting requirements, and keeping apprised of and implementing any legal changes to public disclosure requirements.

- **Department Director:** Implement and ensure compliance with the city records program within their department, as outlined in the city records program and this ordinance; and shall designate departmental record coordinators and backups for their department and divisions. Any vacancies in the department record coordinator position shall be filled promptly.

- **Department Record Coordinator:** Staff designated as department record coordinators shall:

- (1) Provide coordination between the staff of his or her department/division, the records management program coordinator, and the public records disclosure program coordinator to:

- (a) Ensure compliance with the provisions of this ordinance and implement policies and procedures of the records management and public records programs.

- (b) Disseminate records management and public records legal updates, policy changes, and best practices.

- (2) have a backup coordinator designated by the Department Director.

- (3) Comply with legally mandated training requirements.

- **City Council:** The governing body of the city who adopts the city records program as a city policy, approves the city records strategic plan, and receives reports regarding the status and effectiveness of the program.

- **City Mayor:** The elected official who implements the city records program and its strategic plan as adopted by the city council; and approves program policies and procedures that ensure City of Redmond records are maintained in a manner that meets Washington State Archives guidelines.

- **City Clerk:** Statutorily-assigned records management officer, under the direction of the executive office who provides central leadership and oversight of the city records program; supervises the records management program coordinator and the public records disclosure program coordinator; and provides overall guidance on the city records program and its policies, procedures, and regulations.

- **City Attorney:** Consults on legal changes affecting the city records program as needed; authorizes the destruction of city records as needed; and notifies city employees of litigation holds and releases for city

records upon potential litigation, or any other requests for records received.

1.03.060 RECORDS COMMITTEE

(A) Composition. The records committee shall be comprised of the record coordinators from each department/division of the city, as designated by the department director.

(B) Meetings. The records committee shall meet no less than once a quarter and shall be facilitated by the records management program coordinator and the public records disclosure program coordinator.

(C) Purpose. The records committee shall be apprised of records management and public disclosure legal updates, policy changes, best practices, and training opportunities.

1.03.070 CUSTODY CONTROL

(A) Any city officer or employee having custody or control of any city records shall, at the expiration of their term of office, appointment or employment, deliver custody and control of all their city records to their successors or supervisor.

(B) All records which are in the possession of any city department or division shall:

(1) Upon transfer of duties to another department or division, be transferred to the successor or state archives, as provided by law.

(2) Upon termination of activities, be transferred to any successor or to the state archives, as provided by law.

(C) All city departments, in coordination with the records management program coordinator, shall maintain inventories and other guides to apply control over and facilitate access to the city's records. These guides shall reflect the appropriate disposition authority number designated in the records schedule.

1.03.080 PUBLIC ACCESS TO RECORDS

The city is required to provide access to public records in accordance with the provisions of RCW 42.56, the Public Records Act. The city's public records request program is managed by the public records disclosure program coordinator and facilitated in conjunction with the department record coordinators. Public access to records will be provided in accordance with the public records disclosure policies and procedures.

1.03.090 DISASTER RECOVERY

(A) The records management program coordinator works, in cooperation with other responsible city officials and the city clerk, to establish essential records and a disaster plan for each city department to ensure maximum availability of records for re-establishing operations quickly and with minimum disruption and expense.

(B) As essential records are necessary for the continuity of city operations following a disaster and support the city's legal authority, responsibility, rights, and financial status and are necessary to resume and restore operations, they require extra care to ensure they are adequately backed-up and recoverable in the event of a disaster.

1.03.100 AUDIT

(A) The overall purpose of the city records audit is to provide information about the efficiency and effectiveness of the city records program as a whole and of the individual functions that make up the system.

(B) Audit procedures shall be developed by the city clerk and records management program coordinator to support ongoing compliance with the program.

(C) The records management program coordinator shall report audit findings and recommendations to the city

administration and to the city council comprised of statistical and fiscal data reflecting compliance with the city records program and its policies and procedures.

1.03.110 REFERENCES

(A) RCW 40.14, Preservation and Destruction of Public Records

(B) RCW 42.56, Public Records Act

(C) RCW 40.10, Protection of Essential Records

(D) WAC 434-622, Preservation of Electronic Public Records

(E) WAC 44-14, Public Records Act - Model Rules

(F) ISO 15489: 2001

(G) WA Secretary of State - Local Government Records Retention Schedules

(H) RCW 40.16 Penal Provisions

Section 3. Effective Date. This ordinance shall take effect and be in full force five days after its passage and publication of a summary, or as otherwise provided by law.

ADOPTED by the Redmond City Council this ____ day of _____, 2019.

APPROVED:

JOHN MARCHIONE, MAYOR

ATTEST:

CHERYL XANTHOS, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

CITY ATTORNEY JAMES E. HANEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.