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Scott Cline/NS LEG Archives and Records Management Ordinance May 3, 2013 Version # 10a

## CITY OF SEATTLE

	ORDINANCE
2	COUNCIL BILL 117788
3	COUNCIL BILL 11100
4	AN ORDINANCE relating to the City of Seattle archives and records management activities;
5	combining the duties and responsibilities for archives and records management in one division of the Office of the City Clerk; creating a Seattle Archives and Records
6	Management Program; amending Seattle Municipal Code (SMC) Chapter 3.122; repealing SMC Chapter 3.123; amending SMC Chapter 3.42.040; repealing SMC
7	Chapter 3.42.050; and amending SMC Chapter 3.125.
8	WHEREAS, Ordinance 111782 established the Seattle Municipal Archives program in the
9	Office of the City Clerk, and Ordinance 120736 established the City Records Management Program in the Office of the City Clerk; and
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11	WHEREAS, merging the Seattle Municipal Archives and the City Records Management Program will result in greater efficiency and coordination in the management of records
12	and archives through their entire life cycle; and
13	WHEREAS, records are required for government to carry out business activities, to document
14	actions and decisions and to maintain continuity in governance; and
15	WHEREAS, all records created in city government are public records, and it is necessary to provide a comprehensive system of integrated procedures for the management of records
16	for efficient, economical and effective controls over the creation, distribution,
17	organization, maintenance, use and disposition of all City of Seattle public records in accordance with State laws and regulations; and
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- WHEREAS, certain records retain long term business and/or archival value and must be preserved to sustain enterprise functions, support accountability, and provide historical information and evidence of City activity; and
- WHEREAS, the City is planning the creation of an Electronic Records Management Initiative to comprehensively manage the digital records created and received by City agencies; and
- WHEREAS, the City Council and the Mayor recognize the value and vital business necessity of a Citywide Archives and Records Management Program; NOW, THEREFORE,



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#### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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Section 1. Chapter 3.122 of the Seattle Municipal Code, which chapter was last amended by Ordinance 111782, is amended as follows:

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Chapter 3.122 ((Municipal Archives Program)) Seattle Archives and Records Management

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Program

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((3.122.010 Established.

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There is hereby established a City of Seattle Municipal Archives Program. This program and all

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archival facilities connected with it shall be administered by the City Clerk.

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(Ord. 111782 § 1, 1984.)

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3.122.020 General purpose.

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The purpose of The City of Seattle Municipal archives is to preserve the documented history of

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The City of Seattle, its municipal government, and of the towns and cities incorporated into the

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City, for the benefit of posterity, scholarly research, legal research, and public relations, as well

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as the daily administration of City government.

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(Ord. 111782 § 2, 1984.)

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3.122.030 Scope of collection.

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Material accepted for permanent retention in the Municipal Archives will be characterized by

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one (1) or more of the following attributes:

development, and organization of The City of Seattle;

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A. Documents the creation (including public planning, policy making, political movements, etc.),

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3. Documents or provides subs	stantive evidence	of the City's	activities and	consequences	of those
activities;					

C. Is not current (i.e., it has served the administrative purpose for which it was created);

D. Answers technical questions regarding the City's operations;

E. Is potential resource material for scholarly research;

F. Contains marginal notes of consequence by City officials;

G. Has continuing legal or operational use to the City;

H. Is so old (generally 1900 and earlier) that it has gained archival value through lack of other documentation or because of the social and cultural climate reflected.

(Ord. 111782 § 3, 1984.)

3.122.040 Applicability of chapter provisions.

The ordinance codified in this chapter shall apply to City departments, offices, boards, and other agencies with records which have been designated "archival," "potentially archival," or "selected files potentially archival" by the State Archivist on the City's records retention schedules; or City departments, offices, boards, or other agencies with records of historical or informational value, or more specifically containing evidence of how the agency came into being, how it developed, its organization, and the scope and history of its activities. These agencies shall notify the City Clerk of the existence of such records so that they may be appraised for potential inclusion in the Municipal Archives once the records have served the administrative purposes for which they were created.

(Ord. 111782 § 4, 1984.)

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3.122.050 Potential archival records City Clerk review.

The City Clerk shall review all potentially archival records for the purpose of determining their suitability for permanent retention. Records deemed archival shall be arranged, described, and indexed so that they are readily accessible to scholarly researchers, City officials, and the public.

(Ord. 111782 § 5, 1984.)

3.122.060 Location and recovery of archival records.

The City Clerk shall actively solicit inactive archival records located within City agencies. In addition, efforts may be made to recover those archival records held by non-City agencies which would be more appropriately administered by the Municipal Archives.

(Ord. 111782 § 6, 1984.)

3.122.070 Availability of accessioned archival materials.

Records and manuscripts accessioned into the Municipal Archives will be available to the originating agency for reference purposes but may not be permanently removed from the Archives.

(Ord. 111782 § 7, 1984.)

3.122.080 Housing of archival records.

Scott Cline/NS LEG Archives and Records Management Ordinance May 3, 2013 Version # 10a Archival records may be housed in faci

Archival records may be housed in facilities maintained by the City, with the University of Washington Manuscripts Collection, or with the State Archives, as determined by the City Clerk and the State Archivist.

(Ord. 111782 § 8, 1984.)-))

3.122.010 City of Seattle Archives and Records Management Program established.

There shall be established a City of Seattle Archives and Records Management Program in the

Office of the City Clerk. The purpose of the Seattle Archives and Records Management Program
is to provide for efficient, economical and effective controls over public records created by the

City throughout their lifecycle. The authority and duties enumerated in this Chapter will apply to
all City agencies and all City records will be maintained, disposed of, or preserved in accordance
with this program.

#### 3.122.020 Definitions

For the purposes of this Chapter, the following definitions apply unless the context otherwise requires:

A. "Agency" means all City departments, divisions, offices, commissions, boards, committees, public corporations (development authorities) or other organizational units created by the City Charter, the Council of the City of Seattle or the Executive Branch of the City of Seattle.

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continued preservation.

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B. "Archival value" means the ongoing usefulness or significance of records, based on the administrative, legal, fiscal, evidential, or historical information they contain, justifying their

C. "Archival Records" means the records created or received by a City agency in the conduct of business and preserved because of the archival value of the information they contain or the evidence of the functions and responsibilities of their creator.

D. "Archives" means the Seattle Municipal Archives, which is the program responsible for maintaining the City's archival records.

E. "Published documents" means reports, studies, or other information, regardless of format, and intended for wide distribution to city government or the public, including documents published by city agencies; reports by consultants hired by the City; and publications of joint projects supported by Seattle City government. Examples of published documents may include annual, biennial, and special reports required by law, city agency newsletters, periodicals, and magazines, and other informational material intended for general dissemination to city agencies or the public.

F. "Record" or "City record" or "Public record" means any information, regardless of physical form or characteristic, prepared, owned, used, received or retained in connection with the transaction of official City business and preserved or appropriate for preservation by an agency

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as evidence of the organization, function, policies, decisions, procedures, operations or other activities of the City of Seattle, or appropriate for preservation because of the informational value it contains.

3.122.030 Seattle Archives and Records Management Program Administration.

There shall be a director of the Seattle Archives and Records Management Program who will have general administrative responsibility for development and implementation of the program.

The director shall have authority to establish City-wide policies and rules related to the management of records. Such rules shall be established pursuant to the requirements of the Administrative Code (Ordinance 10228) as now or hereafter amended. The director shall be either the City Archivist or the City Records Manager and will be appointed by the City Clerk.

A. There shall be a City Archivist who is responsible for the operation of the Seattle Municipal Archives, and the care and custody of archival records. The City Archivist will supervise the Archives staff and develop and recommend policies and procedures related to archival records.

B. There shall be a City Records Manager who is responsible for the operation of the City Records Management Program. The City Records Manager will supervise the records management staff and develop and recommend policies and procedures related to the management of current and non-current records.



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3.122.040 Scope of the Seattle Archives and Records Management Program. 1 2 The scope of the Seattle Archives and Records Management Program may include, but is not 3 4 limited to: 5 6 A. Operate the program and the Archives facilities in accordance with currently accepted 7 archives and records management professional standards; 8 9 10 B. Acquire, receive, appraise and secure records of archival value from agencies of the City of 11 Seattle when those records are no longer necessary for conducting current business; 12 13 C. Acquire, receive, appraise, and secure all records for areas annexed by the City from a county 14 or special district or from a defunct agency of the City of Seattle; 15 16 17 D. Negotiate for the acquisition and return of City records which have been removed from its 18 possession; 19 20 E. Secure transfer of records to the Archives when it has been determined that the records are 21. 22 stored under conditions that do not meet the standards established by Archives and Records 23 Management; 24 25



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the Municipal Archives;					
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F. Maintain inventories, indexes, catalogs, and other finding aids or guides to facilitate access to

- G. Analyze, develop and provide written standards and procedures for the care and maintenance of City records, including those created and/or maintained in electronic format;
- H. Establish recordkeeping requirements for business systems or applications that maintain official City records;
- I. Provide access, as defined by State law and City policies, to the records within Archives and Records Management's custodianship;
- J. Establish procedures for City agencies regarding the identification, segregation, and protection of records vital and essential to continuing operations to comply with the City's emergency preparedness policies;
- K. Establish standards for City agencies with regard to the appropriate use of record media, accounting for cost, access and preservation;
- L. Establish procedures for the preparation of records inventories and descriptions, and develop records retention schedules which meet the requirements of Washington State Secretary of State's office;

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M. Exercise final authority regarding the disposal	of City Records and establish procedures for
the prompt and orderly disposition of City records	s which no longer possess administrative, legal
or research value to warrant their retention;	

- N. Provide a complete curriculum of records management and archives training sessions to all

  City agencies and employees in order to assist them in meeting their business needs for

  managing records;
  - 1. Coordinate with the Personnel Director in development and maintenance of records management curriculum to be included in new employee orientation, and update curriculum as needed;
  - 2. Coordinate with the Personnel Director in establishment and maintenance of a personnel rule to ensure records management training of appropriate current City employees, and update rule as needed;
- O. Provide records management advice and assistance to all City agencies and employees as needed for special projects or to allow for the effective management of their records.
- P. Administer the Digital Image Management Program as defined and described in SMC chapter 3.125.



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3.122.050 Responsibilities of Elected Officials and Agency Directors/Managers in regards to Archives and Records Management.

Records are vital to an open and transparent government process; therefore each City elected official and agency director/manager shall:

A. Adopt and implement policies regarding the creation and preservation of records containing adequate documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency which are designed to furnish the information necessary to protect the legal and financial rights of the City and of persons directly affected by the agency's activities;

- B. Ensure that staff are provided with adequate training and resources to comply with City records policies and procedures established by Archives and Records Management;
- C. Work cooperatively with Archives and Records Management to develop and review records retention schedules for records maintained by the agency;
- D. Inform Archives and Records Management of any regulatory changes affecting record retention, maintenance or access requirements;



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E. Notify Archives and Records Management of any program changes that may affect the management of City records, including but not limited to, new agency responsibilities; records that are no longer being created; and changes to records maintenance practices;

- <u>F. Follow established procedures to identify, segregate and protect records vital to the continuing</u> operation of an agency in the event of natural or man-made disaster:
- G. Ensure that at least one copy of each published document, as defined in section 3.122.020E, prepared for the City, on behalf of the City or in conjunction with the City, be deposited with the Archives;
- H. Notify Archives and Records Management of record categories in the agency's possession that have passed their legal retention, and transfer control of original archival records upon notification from Archives and Records Management;
- I. Establish safeguards against unauthorized or unlawful removal, loss or destruction of City records and establish procedures for the review of records when an employee departs the City to ensure that all City Records have been retained appropriately;
- J. Adopt and implement policies and procedures to ensure that City records in agency custody

  are maintained in an manner that meets guidelines set by Archives and Records Management for
  ensuring security, preservation, legibility, and accessibility;



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the agency and Archives and Records Management on all matters relating to the Archives and Records Management program.

K. Designate a management level employee as Records Coordinator to act as a liaison between

3.122.060 Care of Records.

Records of the City of Seattle shall be managed according to the controlling provisions of the Revised Code of Washington, Washington Administrative Code and this Chapter.

3.122.070 Use of Copies.

A City employee performing duties under this Chapter in order to comply with Archives and Records Management guidelines is authorized to copy records in any manner which produces a permanent, clear, accurate and durable reproduction of the original record. An original City record which is worn or damaged may be replaced by a reproduction made in accordance with Archives and Records Management guidelines. Certification by the City Clerk, City Attorney, Archives and Records Management Program, or by the agency having custody of the record that the replacement is a true and correct copy of the original shall accompany the reproduction.

When original City records are reproduced and placed in conveniently accessible files, and provisions are made for preserving and using them for the duration of their legally mandated retention, the originals from which they were made may be destroyed.

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3.122.080 Public Access to Records.

providing copies of public records.

((Chapter 3.123 City Records Management Program

3.123.010 City Records Management Program established.

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public records created in the City. The City Records Management Program will apply to all offices, departments, boards, commissions, committees or similar entities of the City and records



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Upon request, all City records, except for those exempted or prohibited from disclosure by

procedures that prevent excessive interference with other essential functions of the Agency. Any

business hours and at specified locations, and may charge fees to recover actual copying costs for

Section 2. Because Section 1 of this ordinance amends Chapter 3.122 to incorporate all relevant

provisions of Chapter 3.123 of the Seattle Municipal Code, Chapter 3.123 is repealed as follows:

There shall be established a City Records Management Program. The City Records Manager, in

the Office of the City Clerk, Legislative Department, shall be responsible for the development

Management Program is to provide for efficient, economical and effective controls over the

and implementation of the City Records Management Program. The purpose of the City Records

Agency may require that review of records occurs pursuant to an appointment during certain

applicable law, shall be available for inspection and copying by the public according to

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will be maintained and disposed of in accordance with this program. For the purpose of this chapter, all offices, departments, boards, commissions and committees shall be referred to as "City agency."

(Ord. 120736 § 1(part), 2002.)

3.123.020 City records.

As defined in RCW 40.14, "Preservation and Destruction of Public Records," a public record is: "any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine readable material, compact disc meeting current industry ISO specifications, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made or received by any agency of the state of Washington in connection with the transaction of public business, and legislative records as described in RCW 40.14.100." All City records are declared to be the property of the City and shall be managed in compliance with City Records Management Program policies and procedures. At the expiration of an individual's appointment or employment with the City, he/she shall inform the Records Coordinator of the location of all public records recorded on any medium, created, kept or received in the transaction of official business, for the City agency. The Records Coordinator, as defined in Section 3.123.050, shall ensure the records will be maintained as per approved retention schedules.

(Ord. 120736 § 1(part), 2002.)

3.123.030 Scope of the City Records Management Program.

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The scope of re	sponsibility of t	he City R	ecords Mar	nagement l	Program	may	<del>include,</del>	but i	s no
limited to:									

- A. Assisting with basic files management and records disposition policies, systems, standards and procedures;
- B. Preparing records retention schedules in cooperation with City agencies;
- C. Defining and identifying vital records to ensure the availability of records for reestablishing operations quickly and with minimum disruption and expense after disaster;
- D. Reviewing records retention schedules on a biennial basis and updating or amending as needed;
- E. Providing records management advice and assistance to all City agencies via on-site consultation;
- F. Developing policies and procedures to administer records management issues;
- G. Training City staff in the fundamentals of records management;
- H. Working with City agencies in regard to micrographics and imaging to ensure compliance with state law and standards;
  - I. Identifying issues and working with City staff on solutions for the management of electronic records.
  - (Ord. 120736 § 1(part), 2002.)
  - 3.123.040 City Records Manager.
  - The City Records Manager is responsible for ensuring that records management policies and procedures provide for the efficient, economical and effective control over the creation,



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distribution, organization, maintenance, use and disposition of City records. The City Records

Manager is also responsible for developing and revising the scope of the City Records

Management Program as needed to include current technology. With the cooperation of the City
agencies, the City Records Manager will: implement the scope of the City Records Management

Program within the agency and conduct audits to ensure compliance with records management
policies and procedures. The City Records Manager shall have final authority regarding the
disposal of City records.

(Ord. 120736 § 1(part), 2002.)

3.123.050 Responsibilities of the City agencies.

City agencies, with the assistance of the City Records Manager, will implement the scope of the City Records Management Program within their agency and assist with audits to ensure compliance with records management policies and procedures. To assist with the implementation, each City agency shall name a Records Coordinator to act as a liaison between the City Records Management Program and the personnel in the City agency to ensure that records management policies are implemented.

(Ord. 120736 § 1(part), 2002.) ))

Section 4. Chapter 3.42.040 of the Seattle Municipal Code, which chapter was last amended by Ordinance 116368, is amended as follows:



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3.42.040 — Archives and Records Management Program

There is a City of Seattle Archives and Records Management Program established in the Office of the City Clerk, Legislative Department (See Seattle Municipal Code Chapter 3.122). The City Clerk is the custodian of City Archives. As successor to the City Comptroller in this function, the City Clerk shall be custodian of the permanent records of the City, including documents that this Code directs be filed with the City Comptroller.

Section 5. Chapter 3.42.050 of the Seattle Municipal Code, which chapter was last amended by Ordinance 120736, is repealed as follows:

(( 3.42.050 City Records Management Program

There is a City Records Management Program established in the Office of the City Clerk,
Legislative Department (See Seattle Municipal Code Chapter 3.123).

(Ord. 120736\_§ 2, 2002) ))

Section 6. Chapter 3.125 of the Seattle Municipal Code, which chapter was last amended by Ordinance 122415, is amended as follows:

Chapter 3.125 Digital Image Management Program

3.125.010 Established



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There is hereby established a Digital Im-

There is hereby established a Digital Image Management Program within the <u>City of Seattle Municipal Archives and Records Management Program</u>. The City Archivist, in the Office of the City Clerk, shall have the authority under the direction of the City Clerk to develop and administer the Digital Image Management Program.

3.125.020 General Purpose

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The purpose of the Digital Image Management Program is to ensure that digital images of City Department capital improvement projects as defined in SMC Section 3.58.020, but not limited thereto, are preserved as historical and vital records.

3.125.030 Scope of Collection

The records to be included in the Digital Image Management Program shall include images stored in binary form and divided into a matrix of pixels (digital images), each consisting of one or more bits of information that represent the image at that point and will be created, collected, and maintained in such formats and in accordance with such standards as established by the City Archivist.

3.125.040 Applicability

All City Departments and Offices, including all City Boards, Commissions, and Committees shall provide digital images of capital projects as defined in SMC Section 3.58.20 and such other projects as may be selected for inclusion in the program by the City Archivist.

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#### 3.125.050 Authority

The City Archivist in the Office of the City Clerk shall have authority to develop and to administer the Digital Image Management Program. Such authority shall include, but not be limited to:

- a. Identification and implementation of standards and procedures for the operation of the program;
- b. Documentation of c apital improvement and other projects;
- Establishment and management of a pool of consultant photographers from which City
   Departments and Offices can select firms or individuals to document projects subject to this ordinance;
- d. Provision of advice and a ssistance to City Departments and Offices including training employees responsible for complying with the Digital Image Management Program requirements.
- ((e. Establishment of administrative rules and regulations consistent with this Chapter for the purpose of enforcing and carrying out the provisions thereof. Such rules and regulations shall be established pursuant to the requirements of the Administrative Code (Ordinance 102228) as now or hereafter amended.))



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Section 7. It is the express intent	of the City Counci	I that, in the event a subseque	ent
ordinance refers to a position or office th	at was abolished by	this ordinance, that reference	e shall
be deemed to be to the new position or o	ffice created by this	ordinance, and shall not be	
construed to resurrect the old position or	office unless it exp	ressly so provides by referen	ice to
this ordinance.			
Section 8. This ordinance shall t	ake effect and be in	force 30 days after its appro-	val by
the Mayor, but if not approved and return	ned by the Mayor w	vithin ten days after presentat	ion, it
shall take effect as provided by Seattle M	Iunicipal Code Sect	tion 1.04.020.	
Passed by the City Council the _	day of		
signed by me in open session in authenti	cation of its passage		
signed by me in open session in authenti			
signed by me in open session in authenti day of	013.		
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day of	President  Michael McGir	of the City Council, 2013.	
day of	President  Michael McGir	of the City Council , 2013.	
day of	President  Michael McGir	of the City Council, 2013.	
day of	President  Michael McGir	of the City Council, 2013.	
Approved by me this day of	President  Michael McGir	of the City Council, 2013.	



### FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Scott Cline, 4-8353	and respiration on the special at
	Monica Simmons, 4-8361	

Legislation Title:

AN ORDINANCE relating to the City of Seattle archives and records management activities; combining the duties and responsibilities for archives and records management in one division of the Office of the City Clerk; creating a Seattle Archives and Records Management Program; amending Seattle Municipal Code (SMC) Chapter 3.122; repealing SMC Chapter 3.123; amending SMC Chapter 3.42.040; repealing SMC Chapter 3.42.050; and amending SMC Chapter 3.125.

#### Summary of the Legislation:

This legislation merges the Seattle Municipal Archives (SMA) and the City Records Management Program (CRMP) and creates the Seattle Archives and Records Management Program (ARM). It repeals SMC 3.122 and 3.123, and repurposes chapter 3.122 to establish ARM. The legislation defines the scope of the program providing ARM with authority to regulate the management of City records from creation through disposition, including the selection of certain records for preservation in the Archives. ARM may establish standards, policies, and procedures related to records consonant with state records law as defined in RCW 40.14. The legislation also establishes the scope of responsibilities of all City agencies in the care and management of their records.

#### Background:

The SMA and CRMP have been programs of the City Clerk since 1985 (Ordinance 111782) and 2002 (Ordinance 120736), respectively. They were created as City-wide programs. SMA is responsible for the identification, preservation, and access to the City's records of enduring value; and CRMP is responsible for ensuring the proper management and disposition of City records after the end of their legal retention period. The two programs have worked independently, though cooperatively, to ensure that the City is in compliance with state records law. The scope of the legislation does not affect the practical application of records law nor the responsibility to manage records and preserve the archival record; its purpose is specifically to merge the two existing program in order to provide greater efficiency and coordination in the management of the City's documentary heritage.

Please check one of the following:

X This legislation does not have any financial implications.



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This legislation has financial implications.

#### Other Implications:

- a) Does the legislation have indirect financial implications, or long-term implications? No
- b) What is the financial cost of not implementing the legislation? N/A
- c) Does this legislation affect any departments besides the originating department? ARM is a City-wide program that touches all departments, but the legislation does not change any of the legal or operational responsibilities that agencies have for the care of their records.
- d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

N/A

- e) Is a public hearing required for this legislation?
- f) Is publication of notice with The Daily Journal of Commerce and/or The Seattle Times required for this legislation? No
- g) Does this legislation affect a piece of property?

h) Other Issues: None

No

