

Introduced by: Borough Clerk
Requested by: Borough Clerk
Drafted by: Borough Clerk
Introduced: 07/02/2009
Public Hearing: 07/16/2009
Adopted: 07/16/2009

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2010-02**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
AMENDING THE KODIAK ISLAND BOROUGH CODE OF ORDINANCES
TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.40 RECORDS MANAGEMENT,
CHAPTER 2.50 BOROUGH CLERK, SECTION 2.50.020 DUTIES, AND CHAPTER 2.55
ENGINEERING AND FACILITIES DEPARTMENT, SECTION 2.55.010 ENGINEERING AND
FACILITIES DEPARTMENT DIRECTOR**

WHEREAS, the existing Records Management code was put in place in 1975 with very minor changes in 1979 and 1998; and

WHEREAS, the staff determined the need to bring the Records Management code into compliance with recent and existing laws and regulations; and

WHEREAS, the old KIBC 2.25.200 is being repealed in its entirety and a new Chapter 2.40 is being established. The new chapter includes policies that reflect industry best practices; and

WHEREAS, staff research and proposal considered Alaska Statutes, codes from other municipalities, and consultation with Borough staff; and

WHEREAS, this ordinance was also reviewed by the Borough Attorney for compliance.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances;

Section 2: The Kodiak Island Borough Code of Ordinances Title 2, Chapter 2.25 is hereby repealed and Chapter 2.40 is hereby enacted as follows:

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

- 2.05 Bonding of Officers and Employees**
- 2.10 Appointment of Officers, Commissions, and Committees**
- 2.15 Personnel**
- 2.20 Borough Mayor**
- 2.25 Borough Assembly**
- 2.30 Rules of the Assembly**
- 2.35 Conflict of Interest**
- 2.40 ~~Records~~ Records Management**
- 2.45 Borough Manager**
- 2.50 Borough Clerk**
- 2.55 Engineering and Facilities Department**
- 2.60 Resource Management Officer**
- 2.65 Borough Attorney**
- 2.70 Finance Department**

- 54 2.75 Assessing Department
- 55 2.80 Community Development Department
- 56 2.85 Management Information Systems Department
- 57 2.90 Building Official
- 58 2.95 Fire Department
- 59 2.100 Boards, Committees, and Commissions
- 60 2.105 Planning and Zoning Commission
- 61 2.110 Emergency Services
- 62 2.115 Kodiak Economic Development Commission
- 63 2.120 Parks and Recreation Committee
- 64 2.125 Architectural/Engineering Review Board
- 65 2.130 Airport Advisory Committee
- 66 2.135 Arts Council Advisory Committee
- 67 2.140 Kodiak Area Transit System Advisory Committee
- 68 2.145 Solid Waste Advisory Board

70 **Chapter 2.25**
 71 **BOROUGH ASSEMBLY**

72
 73 Sections:

- 74 2.25.005 Legislative powers.
- 75 2.25.010 Composition.
- 76 2.25.020 Term.
- 77 2.25.030 Assembly oath of office.
- 78 2.25.050 Deputy presiding officer.
- 79 2.25.060 Declaring and filling vacancies.
- 80 2.25.070 Absences.
- 81 2.25.150 Ordinance – Form.
- 82 2.25.160 Ordinance – Adoption.
- 83 2.25.170 Resolution – Form.
- 84 2.25.180 Resolution – Adoption.
- 85 2.25.190 Journal of proceedings.
- 86 ~~2.25.200 Retention, disposal, and microfilming of public records~~ Repealed.

87
 88 ~~2.25.200 Retention, disposal, and microfilming of public records.~~

89 ~~A. Record Retention Program. The clerk shall prepare a records retention program and~~
 90 ~~records retention schedule of records specifying the records to be:~~

- 91 ~~1. Retained permanently;~~
- 92 ~~2. Destroyed;~~
- 93 ~~3. Disposed of routinely in the regular course of public business; and~~
- 94 ~~4. Microfilmed or optical disc imaged.~~

95 ~~The records retention schedule shall be adopted by resolution and may be updated and~~
 96 ~~amended as necessary by resolution. The schedule shall list, with sufficient detail for~~
 97 ~~identification, records without legal or administrative value or historical interest to be destroyed,~~
 98 ~~microfilmed and periodically disposed of by the borough in the regular course of business. Any~~
 99 ~~records to be destroyed shall be certified by the clerk and attorney as having no legal or~~
 100 ~~administrative value or historical interest. The clerk shall promulgate regulations for the effective~~
 101 ~~administration of the records retention program and records retention schedule.~~

102 ~~B. Disposal of Records. The assembly, by resolution, may authorize the disposal and method~~
 103 ~~of disposal of the records listed in the records retention schedule found by the assembly to be~~
 104 ~~without legal or administrative value or historical interest, including the periodic disposal of~~
 105 ~~records in the regular course of public business and disposal of original records when~~
 106 ~~microfilmed or optical disc imaged. The clerk, or designee, shall dispose of the records to be~~
 107 ~~destroyed by cremation or other means determined to be appropriate by the clerk. Upon~~

108 disposal, the clerk shall file in the clerk's office, and in the department from which the records
109 were drawn, a descriptive list of the records disposed of and microfilmed or optical disc imaged
110 and a record of the disposal itself. The clerk shall transmit copies of the list and record of
111 disposal to the assembly, and the filing in the office of the clerk of the list and record of disposal
112 shall constitute a filing and preservation by the assembly of these documents.

113 The resolution authorizing the disposal of records shall provide for the destruction of records
114 of the borough which have been found not to be of historical interest nor to have a legal or
115 administrative value; permanent but non-historical and have been microfilmed or optical disc
116 imaged (list documents); nonpermanent and have been microfilmed for retention period (list
117 documents); not of a historical, legal, or administrative value (list documents); or microfilmed
118 records which have been retained for length of retention period and have been found to have no
119 historical, legal, or administrative value (list documents).

120 C. Microfilming or Optical Disc Imaging. The assembly in the resolution as to the record
121 retention schedule may authorize the substitution of microfilmed copies or optical disc imaged
122 copies for any original records, including records to be periodically disposed of, and the disposal
123 of these original records once microfilmed or optical disc imaged. Records pertaining to any
124 claim and demand by the borough or against it, or any account in which the borough is
125 concerned, either as a debtor or creditor, shall not be destroyed until the claim, demand, or
126 account has been settled and adjusted. A reproduction, print, or enlargement from an authorized
127 microfilm copy of an original record shall be considered as an original record for all purposes,
128 including the introduction in evidence in any court or other legal or administrative proceedings.
129 When microfilmed or optical disc imaged, the original records may be destroyed or otherwise
130 disposed of as provided in subsection B of this section. The microfilmed or optical disc imaged
131 copies shall be kept in conveniently accessible and properly fire proofed and insulated files,
132 cabinets, or containers and shall be indexed, assembled and maintained for ready reference.

133 D. Definitions. As used in this section, the words "record" or "records" include any paper,
134 book, photograph, microfilm, optical disc image, sound recording, map, blueprint, drawing, or
135 other document or memorandum which has been placed in the custody or under the control of or
136 filed with any department, agency, board, commission, officer, or employee of the borough
137 except documents or published material kept only for convenience or reference. [Ord. 98-02 §4,
138 1998; Ord. 79-11 O, 1979; Ord. 75-2 O §1, 1975. Formerly §2.16.200].

140 Chapter 2.40

141 RECORDS MANAGEMENT

142 Sections:

- 144 **2.40.010 Open records.**
- 145 **2.40.020 Access and inspection of records.**
- 146 **2.40.030 Request for records-response by the borough.**
- 147 **2.40.040 Charges and fees for records.**
- 148 **2.40.050 Certified copies of records.**
- 149 **2.40.060 Compilation or creation of records.**
- 150 **2.40.070 Personal and proprietary records available for public disclosure.**
- 151 **2.40.080 Notice regarding personal information.**
- 152 **2.40.090 Information accuracy and completeness.**
- 153 **2.40.100 Exemptions for particular records.**
- 154 **2.40.110 Denial or request, appeal.**
- 155 **2.40.120 Records management program creation and administration.**
- 156 **2.40.130 Ownership of records.**
- 157 **2.40.140 Records management roles and responsibilities.**
- 158 **2.40.150 Noncurrent records not to be maintained in office files.**
- 159 **2.40.160 Disposal of records.**
- 160 **2.40.170 Micrographic program established.**
- 161 **2.40.180 Micrographic standards.**

162 **2.40.190 Alteration and replacement of public records.**

163 **2.40.200 Audit.**

164 **2.40.210 Definitions.**

165
166 **2.40.010 Open records.**

167 Unless specifically provided otherwise, the public records of the borough are open to
168 inspection by the public under reasonable rules during regular office hours. The clerk or
169 employees having custody of public records shall give on request, upon payment of the fee, a
170 copy of the public record. The fee will be based on the fee schedule adopted by resolution of the
171 assembly.

172
173 **2.40.020 Access and inspection of records.**

174 Public records that are immediately available may be inspected at the borough office where
175 the records are kept during the regular office hours. All borough employees shall, consistent with
176 the orderly conduct of borough business, make a good faith and diligent effort to respond to
177 requests for inspection or copies of records made pursuant to the KIB Code.

178
179 **2.40.030 Request for records-response by the borough.**

180 A. For records that are not immediately available in the borough offices, a requester shall
181 submit a written request to inspect or obtain a copy of a borough record through the clerk's
182 office. The request shall be accompanied by the applicable fee. The clerk's office coordinates
183 with the borough department who is the custodian of the borough record.

184 B. A borough department that receives a request to inspect or provide a copy of a borough
185 record shall respond as follows: If the borough record is subject to inspection under this chapter
186 and is readily available, the borough department shall permit the requester to inspect the
187 borough record, and provide the requester with a copy of the borough record, at the time the
188 request is made.

189 1. If the requested borough record is subject to inspection under this chapter but either
190 the borough record is not immediately available, or staff resources of the borough department
191 are not sufficient to respond to the request when it is made, the borough clerk shall provide the
192 borough record for inspection or provide a copy of the record as requested within ten business
193 days after receiving the request.

194 2. If the borough clerk must determine whether the borough record is subject to
195 inspection under this chapter, within ten business days after receiving the request, the borough
196 clerk shall make that determination, and at that time either:

197 a. Provide the borough record for inspection or provide a copy of the record as
198 requested; or

199 b. State in writing that the borough record is not subject to inspection, including a
200 citation to the provision of borough, state, or federal law that authorizes or requires the
201 withholding of the borough record from inspection.

202 C. The borough clerk may extend the initial ten business-day period established under
203 subsection B of this section for a period not to exceed ten additional business days by providing
204 notice to the requester within the initial ten business-day period. The notice must state the
205 reason for the extension and the date by which the borough department expects to be able to
206 furnish the requested record or to issue a determination that the record is not subject to
207 disclosure.

208
209 **2.40.040 Charges and fees for records.**

210 A. Except as otherwise provided in this section, the fee for copying public records may not
211 exceed the standard unit cost of duplication established by the borough and per the fee
212 schedule. The resolution may also contain a separate fee for providing electronically-generated
213 public records, to be based on recovery of the actual incremental costs of providing the
214 electronic record.

215 B. If the production of records for one requester or the agent of a requester in a calendar
216 month exceeds five person hours, the borough shall require the requester to pay the personnel
217 costs required during the month to complete the search and copying tasks. The personnel costs
218 may not exceed the actual salary and benefit costs for the personnel time required to perform the
219 search and copying tasks. The requester shall pay the fee before the records are disclosed, and
220 the borough may require a deposit in advance of the search.

221 C. Any fee may be reduced or waived by the clerk if it is determined that the reduction or
222 waiver is in the public interest. Fee reductions and waivers shall be uniformly applied among
223 persons who are similarly situated. The borough shall waive a fee of five dollars or less.
224

225 **2.40.050 Certified copies of records.**

226 The clerk shall give, on request and payment of costs, a certified copy of any public record
227 required to be disclosed under the Kodiak Island Borough Code. A fee may be charged for
228 certified copies set in accordance with the currently approved Kodiak Island Borough fee
229 schedule.
230

231 **2.40.060 Compilation or creation of records.**

232 Kodiak Island Borough Code shall not require the borough to create records, compile,
233 summarize, outline or in any other way create information from existing public records. In those
234 instances where the borough employee who is the custodian of the record determines that the
235 borough has the requisite resources to compile or create records to comply with a request for
236 information, the borough may charge the requester with the costs of such compilation or
237 summary, which costs shall be set in accordance with the currently approved fee schedule
238 resolution.
239

240 **2.40.070 Personal and proprietary records available for public disclosure.**

241 A. If the borough employee who is custodian of a record that is subject to public disclosure
242 considers all or a portion of the information requested to be of a sensitive personal or proprietary
243 nature, the employee may attempt to notify the person who is the subject of the record or person
244 who may be concerned with its pending release. Failure to notify shall not be grounds for action
245 against the borough or its employees.

246 B. If an objection to release the record is filed, the borough shall delay the release of the
247 record for at least five working days in order to provide time for the objecting party to seek
248 appropriate restrictions or release of any portions of the record.
249

250 **2.40.080 Notice regarding personal information**

251 A. When a department of the borough requests personal information that may be included in
252 a public record directly from the person who is the subject of the information, that department
253 shall give the person a written notice at the time of the request that states:

- 254 1. The name and address of the department;
- 255 2. The citation of the statute, regulation, or code section that authorizes the department
256 to request the information;
- 257 3. A statement indicating whether the person is required to supply the information;
- 258 4. The consequences to the person, if any, of not providing all or part of the requested
259 information;
- 260 5. A statement of the department's anticipated uses of the information, including the
261 department's internal uses of the information and disclosure of the information to other
262 departments;
- 263 6. The fact that the information may be subject to inspection and copying under this
264 chapter; and
- 265 7. A statement summarizing how a person may challenge under KIBC 2.40.090 the
266 accuracy or completeness of personal information maintained by the department.

267 B. A department may provide the written notice required under (A) of this section by

- 268 1. Placing the notice on the form used to request the information from the person;

269 2. Giving the person the notice on a separate sheet that accompanies the form used to
270 request the information from the person;

271 3. Giving the person a statement in a pamphlet, booklet, manual, or other printed matter
272 at the time the information on the person is requested; or

273 4. Prominently posting a sign containing the notice in a prominent location so that the
274 sign can be easily observed and read by the person at the time the information is requested.

275 C. This section does not apply to a request for information on a person if:

276 1. The request is made by a peace officer; in this paragraph, "peace officer" has the
277 meaning given in AS 01.10.060;

278 2. The person is the department's employee;

279 3. The information is related to litigation; or

280 4. The information is being collected by a public agency when investigating a possible
281 violation of law.

282 **2.40.090 Information accuracy and completeness.**

283 A. A person who is the subject of personal information that is maintained by a department
284 and subject to public disclosure under this chapter may challenge the accuracy or completeness
285 of the personal information.
286

287 B. To challenge the accuracy or completeness of personal information under (A) of this
288 section, the person must file with the department a written request that the personal information
289 be changed. The request must provide:

290 1. A description of the challenged personal information;

291 2. The changes necessary to make the personal information accurate or complete; and

292 3. The person's name and the address where the department may contact the person.

293 C. Within 30 days after receiving a written request made under (B) of this section, the
294 department may request verification of the disputed personal information from the person who
295 made the request.

296 D. Within 30 days after receiving the written request under (B) of this section or the
297 verification under (C) of this section, the department shall review the request and

298 1. Change the personal information according to the request and notify the person in
299 writing of the change; or

300 2. Deny the request and notify the person in writing of the reasons for the decision and
301 the name, title, and business address of the person who denied the request.

302 E. If a request is denied under (D) of this section, the person may provide to the department
303 a concise written statement that states the person's reasons for disagreeing with the decision.
304 The department shall maintain in its records the request made under (B) of this section and the
305 statement provided by the person under this subsection. On all of the department's records that
306 contain the disputed information, the department shall clearly note which portions of the records
307 are disputed. If the record is in electronic form, the department may note the dispute in one field
308 of the electronic form and maintain the other information about the dispute in paper form.

309 F. This section does not apply to criminal intelligence or criminal investigative records,
310 criminal justice information under AS 12.62, borough personnel or retirement system records, or
311 records of applicants for employment with the borough.
312

313 **2.40.100 Exemptions for particular records.**

314 A. This chapter shall not be construed to require disclosure of:

315 1. Communication between the borough and the attorney's office which are subject to the
316 attorney/client privilege;

317 2. Borough personnel records, including employment applications and examination and
318 other assessment materials;

319 3. The following information is available for public inspection, subject to reasonable
320 regulations on the time and manner of inspection:

321 a. The names and position titles of all borough employees;

322 b. The position held by a borough employee;

- 323 c. Prior positions held by a borough employee;
324 d. Whether a borough employee is in a collective bargaining unit;
325 e. The dates of appointment and separation of a borough employee; and
326 f. The compensation authorized for a borough employee.
327 4. A borough employee has the right to examine the employee's own personnel files and
328 may authorize others to examine those files.
329 5. Appraisals prepared by the borough assessor used in property negotiations during
330 such negotiations;
331 6. Proprietary software programs;
332 7. Records required to be kept confidential by a federal law or regulation or by state law
333 or by borough law; and
334 8. Records which are pre-decisional and deliberative under Alaska law.
335

336 **2.40.110 Denial of request, appeal.**

337 A. If the borough employee who is the custodian of a record considers the information
338 requested to be confidential pursuant to applicable federal, state, or borough law, within ten
339 working days of receiving the request shall prepare and provide the requester a written
340 statement setting forth the following information:

- 341 1. Date;
342 2. Item of information requested;
343 3. The specific provision of applicable state, federal, or borough law exempting the
344 requested information from disclosure;
345 4. The title and signature of the employee withholding the information; and
346 5. The right of the requester to appeal the decision pursuant to subsection B below.

347 B. In the event a party is denied access to requested information under the provisions of
348 subsection A of this section, the person may submit a written appeal to the borough manager.
349 Within ten working days of receiving the appeal, the borough manager shall issue a written
350 response to the requester, either granting or denying the appeal and notifying the requester of
351 the right to appeal the decision to the borough assembly which shall be the final and binding
352 authority.
353

354 **2.40.120 Records management program creation and administration.**

355 The clerk shall establish and maintain a borough records management program, adopted by
356 resolution, which shall include the retention schedule and procedure for inventory, storage, and
357 destruction of records.

358 A. The program objectives shall be to:

- 359 1. Provide coordination between departments on all phases of the records management
360 program; and
361 2. Facilitate exchange of ideas on all aspects of records management among
362 departments to permit savings through more uniform and efficient paperwork techniques.
363

364 **2.40.130 Ownership of records.**

365 A. All borough records are property of the borough. Unless otherwise permitted or required
366 by law, no person may:

- 367 1. Deface, alter, or destroy a borough record;
368 2. Remove a borough record from the borough's possession;
369 3. Disclose confidential information of a borough record; or
370 4. Except for a borough official or employee in the course of performing official duties,
371 inspect or copy confidential information in a borough record.

372 B. In addition to any other penalty provided by law, violation of subsection A of this section
373 by a borough employee may be cause for disciplinary action.

374 C. No borough official or employee has, by virtue of the official or employee's position, any
375 personal or property right to such records even though the official or employee develop or
376 compile them.

377 D. All borough records shall be and remain the properties of the borough and may not be
378 removed, destroyed, or disposed of, except as provided in this chapter. They shall be delivered
379 by outgoing officials and employees to their successors and shall be preserved, stored,
380 transferred, and otherwise managed, only in accordance with the provisions of this chapter or as
381 otherwise provided for by law.

382 E. The borough may initiate a civil action to recover records unlawfully removed from
383 borough possession.
384

385 **2.40.140 Records management roles and responsibilities:**

386 A. Accountability. The overall accountability for the borough records management program
387 lies with the clerk.

388 B. Responsibilities.

389 1. Borough assembly:

390 a. Executive body that endorses the principles of efficient records management for
391 borough public records kept in accordance with state law. The records management program
392 includes the systematic control of records from their creation or receipt, through their processing,
393 distribution, organization, storage, and retrieval to their ultimate disposition for the purpose of
394 reducing the costs and improving the efficiency of record keeping. The term includes the
395 development of records retention schedules, a uniformed record plan, the management of filing
396 and information retrieval systems, the protection of essential and permanent records, the
397 economical and space-effective storage of inactive records, the management of micrographics
398 and electronic and other records storage systems, and the development of policies and
399 procedures to implement the program;

400 b. Approve borough records retention schedules and any amendments; and

401 c. Authorize, by resolution, the periodic disposal of the records to be destroyed.

402 2. Borough manager:

403 a. Ensure that all departments comply with the records management program; and

404 b. Approve the records management policies and procedures as prepared by the
405 clerk.

406 3. Borough clerk:

407 a. Assigned by the assembly to provide central leadership and oversight of the
408 records management program per AS 29.20.380 and KIBC 2.50.020; and

409 b. Prepare and approve the records management policies and procedures.

410 4. Department heads: The head of each borough department is responsible for:

411 a. Designating a departmental records management coordinator who shall represent
412 the department on the borough records management team;

413 b. Implementing and ensuring compliance with the records management program
414 within the department according to the borough standards, policies, and best practices;

415 c. Establishing and maintaining file systems in compliance with prescribed standards
416 and procedures;

417 d. The preparation and periodic revision of a departmental records retention schedule
418 which shall be submitted to the records management team;

419 e. The physical inventory of all records created and maintained in their own
420 department; and

421 f. The preparation of inactive records for micrographic conversion and/or for
422 relocation to the records storage area.

423 5. Borough Attorney:

424 a. Review retention schedules for legal compliance and sign off destruction of
425 borough records; and

426 b. Responsible for notifying borough manager and clerk's office of litigation holds and
427 releases for borough records upon potential suspicion of litigation, or subpoena of borough
428 records.

429 6. Deputy clerk as records management team leader:

- 430 a. Prepares and administers the records management policies and procedures
431 according to the deputy clerk's job description; and
432 b. Works with the records management team to fulfill its roles and responsibilities.
433 7. Records management team members:
434 a. Assess and evaluate the borough records management program and systems in
435 place. Identify the records management needs, prioritize those needs, and provide support for
436 the total records management program;
437 b. Review recommended retention schedules submitted by borough departments
438 and forward recommended retention to the assembly for adoption;
439 c. Responsible for providing coordination between the records management team
440 and personnel in their department to ensure compliance with the provisions of the records
441 management program. They are also responsible for maintaining their department records, both
442 active and inactive for the life cycle of the record; and
443 d. Serve as the spokesperson for the records program for their department and shall
444 inform their department of any changes in policies and procedures.
445 8. Borough employees and contracted agents:
446 a. Create, capture, and organize records of transactions undertaken in business
447 processes according to the borough's policies, procedures, and this chapter.
448

449 **2.40.150 Noncurrent records not to be maintained in office files.**

450 Records no longer required in the conduct of current business by any office of the borough
451 shall be promptly transferred to the records center at the time such action is designated on an
452 approved records retention schedule. Such records shall not be maintained in current office files
453 or equipment.
454

455 **2.40.160 Disposal of records.**

456 A. Any records to be destroyed shall be reviewed and approved by the department head
457 and clerk, and signed off by the attorney.

458 B. The assembly, by resolution, shall authorize the disposal of the records to be destroyed.

459 C. The resolution authorizing the disposal of records shall provide for the destruction of
460 records of the borough which have been found not to be of historical interest nor to have a legal
461 or administrative value; permanent but non-historical and have been microfilmed; or not of a
462 historical, legal, or administrative value. Records may also be disposed of by returning them to
463 the original owner.

464 D. The clerk shall dispose of the records to be destroyed in a manner determined to be
465 appropriate.

466 E. Upon disposal, the clerk shall file in the clerk's office, a descriptive list of the records
467 disposed of and microfilmed.
468

469 **2.40.170 Micrographic program established.**

470 The assembly, in the resolution as to the record retention schedule, may authorize the
471 substitution of microfilmed copies or optical disc imaged copies for any original records, including
472 records to be periodically disposed of, and the disposal of these original records once
473 microfilmed. Records pertaining to any claim and demand by the borough or against it, or any
474 account in which the borough is concerned, either as a debtor or creditor, shall not be destroyed
475 until the claim, demand, or account has been settled and adjusted. A reproduction, print, or
476 enlargement from an authorized microfilm copy of an original record shall be considered as an
477 original record for all purposes, including the introduction in evidence in any court or other legal
478 or administrative proceedings. When microfilmed, the original records may be destroyed or
479 otherwise. A centralized micrographic program may be designed and implemented by the clerk
480 to serve all borough offices and departments. No office or department shall operate a separate
481 micrographic program, and no borough funds may be expended to film, or to contract with a
482 service company to film, any borough records, except through the clerk's office.
483

484 **2.40.180 Micrographic standards.**

485 Microfilm used for archival or security purposes must meet or exceed the technical standards
486 for quality, density, resolution, and definition of the American National Standards Institute (ANSI)
487 as required by law. The master negatives of such film shall not be used for making use copies
488 and shall be stored off-site. Microfilm records must be indexed. The clerk shall periodically
489 check and certify that a microform record is a true and accurate duplication of the original record.
490

491 **2.40.190 Alteration and replacement of public records.**

492 A. An original public record that is worn or damaged may be replaced by a reproduction that
493 produces a clear, accurate, and long-term copy or reproduction of the original record.
494 Certification by the clerk that the replacement is a correct copy of the original shall appear at the
495 end of the reproduction. When original public records are photographed or otherwise
496 mechanically reproduced under the provisions of this chapter and the reproduction is placed in
497 conveniently accessible files and provisions are made for preserving and using them, the original
498 records from which they were made may be destroyed as provided by this chapter.

499 B. Reproductions or replacements of records made under this chapter are considered
500 original records for all purposes and are admissible in evidence as original records.
501

502 **2.40.200 Audit.**

503 A. All borough employees are required to use the records management program established
504 and supervised by the clerk.

505 B. Periodic audits will be conducted of the records management program by a certified
506 records management consultant. The overall purpose of the records management audit is to
507 provide information about the efficiency and effectiveness of the records management program
508 as a whole and of the individual functions that make up the system. Providing this information to
509 the assembly and the appropriate people is the purpose of the audit.

510 C. Analysis from the audit will be forwarded to the assembly for further action.

511 D. The records management team leader will report to the assembly upon receipt of the
512 audit the records management progress in each department including summaries of the
513 statistical and fiscal data compiled.
514

515 **2.40.210 Definitions.**

516 Unless the context otherwise requires:

517 A. "Borough" means any department, division, board, commission, employee, official,
518 appointee, volunteer, or private contractor that has custody of public records.

519 B. "Certified copy" means a copy of a document certified as correct by the clerk.

520 C. "Clerk" means the borough clerk or any properly authorized assistant or designee.

521 D. "Confidential information" means information whose disclosure is restricted by a borough,
522 state, or federal statute, ordinance, regulation, rule, or judicial decision.

523 E. "Disposition" means either the transfer of inactive records to the records center or the
524 disposal of noncurrent records by destruction.

525 F. "Historical record" means those public records that are retained for purposes of history
526 and not necessarily for business purposes.

527 G. "Microform" means the format in which microfilm is generated. It may be a roll, cartridge,
528 jacket, fiche, or an aperture card.

529 H. "Micrographic" means the use of various forms of microfilm in the management of records
530 and information.

531 I. "Physical inventory" means a complete listing of file contents by record or record series,
532 together with sufficient supporting data to enable a proper evaluation for determining retention
533 periods.

534 J. "Proprietary information" means information regarding techniques, methods, strategies, or
535 other unique data in which a valuable property interest may be established or which may be
536 used by one person or entity for a competitive advantage.

537 K. "Public records" means books, papers, files, accounts, writings, including drafts and
538 memorializations of conversations, and other items, regardless of format or physical
539 characteristic, that are developed or received by a public agency, or by a private contractor for a
540 public agency, and that are preserved for their informational value or as evidence of the
541 organization or operation of the public agency; "public records" does not include proprietary
542 software programs.

543 L. "Records" means any document, paper, book, letter, drawing, map, plat, photo,
544 photographic file, motion picture film, microfilm, microphotograph, exhibit, magnetic or paper
545 tape, punched card, electronic record, or other document of any other material, regardless of
546 physical form or characteristic, developed or received under law or in connection with the
547 transaction of official business and preserved or appropriate for preservation by the borough, as
548 evidence of the organization, function, policies, decisions, procedures, operations, or other
549 activities the borough or because of the informational value in them. The term does not include
550 library and museum material developed or acquired and preserved solely for reference,
551 historical, or exhibition purposes, extra copies of documents preserved solely for convenience of
552 reference, or stocks of publications and processed documents.

553 M. "Record series" means a group of related records which are normally used and filed as a
554 unit and which permit evaluation as a unit for retention scheduling purposes, a "record series"
555 may contain both forms and correspondence.

556 N. "Retention period" means the period of time established in accordance with statutory or
557 other requirements which must elapse before disposition may be made of records.

558 O. "Vital records" means those public records necessary to assure continuance of essential
559 governmental operations to protect the legal and financial operation of the borough in the event
560 of disaster or catastrophic loss of the borough's records.

561
562 **Section 3:** The Kodiak Island Borough Code of Ordinances Chapter 2.50 is hereby amended
563 as follows:

564
565 **Chapter 2.50**
566 **BOROUGH CLERK**

567 Sections:
568 2.50.010 Borough clerk.
569 2.50.020 Duties.
570 2.50.030 Deputy clerk – Appointment.
571 2.50.040 Deputy clerk – Duties.

572
573
574 **2.50.010 Borough clerk.**
575 The clerk shall be appointed by the assembly and serves at its pleasure.

576
577 **2.50.020 Duties.**
578 The following are some of the duties performed by the clerk according to this chapter and AS
579 29.20.380:

- 580 A. Give notice of the time and place of meetings;
581 B. Attend regular and special meetings of the assembly and record and maintain the minutes
582 of these meetings;
583 C. Arrange publication of notices and all other items in accordance with this code and state
584 statutes;
585 ~~D. Maintain and make available for public inspection all records, files, ordinances,~~
586 ~~resolutions, rules, regulations and any other information according to local, state and federal law~~
587 ~~Responsible for e~~Ensuring proper management of municipal records as provided in KIBC 2.40;
588 E. Attest deeds, the mayor's signature and the manager's signature on all contracts to which
589 the borough is a party, and other documents as needed. For purposes of this section, "contract"

590 shall mean any contract, agreement, memorandum of understanding, or letter of intent which
591 sets out the rights, duties, and obligations of the parties thereto;

592 F. Chief Administrator of borough elections and has full responsibility for all phases of
593 borough elections up to and including preparation of the final results to be submitted to the
594 assembly for election certification; and

595 G. Perform other duties as specified in other sections of this code and AS Title 29 or as
596 prescribed by the assembly.

597
598 **Section 4:** The Kodiak Island Borough Code of Ordinances, Chapter 2.50 is hereby amended
599 as follows:


600
601 **Chapter 2.55**
602 **ENGINEERING AND FACILITIES DEPARTMENT**


603
604 Sections:
605 2.55.010 Engineering and facilities department director.

606
607 **2.55.010 Engineering and facilities department director.**
608 The manager shall appoint an engineering and facilities department director who shall
609 maintain records per KIBC 2.40, administer design and inspection of vertical construction,
610 coordinate supervision and inspection of village construction, administer grants at local and
611 village levels, and perform other duties as prescribed by the manager or by resolution of the
612 assembly. The director shall also administer the borough subdivision regulations, maintain
613 engineering records per KIBC 2.40 and documents, administer design and inspection of all
614 horizontal construction, provide administration and operation for water and solid waste disposal,
615 administer local service roads and trails programs, and perform other duties as prescribed by the
616 manager and by resolution of the assembly.

617
618 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
619 **THIS SIXTEENTH DAY OF JULY 2009**

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KODIAK ISLAND BOROUGH

Jerome M. Selby, Borough Mayor

ATTEST:

Nova M. Javier, MMC, Borough Clerk