

Introduced by: Borough Assembly  
Drafted by: Borough Clerk/Attorney  
Introduced on: 05/19/2022  
Public Hearing Date:06/02/2022  
Adopted on:06/02/2022

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2022-19**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH AMENDING  
KODIAK ISLAND BOROUGH CODE TITLE 2 ADMINISTRATION AND PERSONNEL,  
CHAPTER 2.40 RECORDS MANAGEMENT SECTION 2.40.140 RECORDS MANAGEMENT  
ROLES AND RESPONSIBILITIES AND SECTION 2.40160 DISPOSAL OF RECORDS**

**WHEREAS,** KIBC Section 2.40.140 prescribes the responsibilities of the Assembly, Manager, Clerk, Attorney and Department Directors pertaining to records management and KIBC 2.40.160 dictates the process on how the Kodiak Island Borough can dispose of records; and

**WHEREAS,** upon review of the records destruction process, the Clerk's Office staff found steps that could be eliminated to increase efficiency and to ensure that obsolete records are disposed of in a timely manner following the Assembly approved records retention schedule; and

**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:** Title 2 Administration and personnel, Chapter 2.40 Records Management, Section 2.40.140 is Records Management Roles and Responsibilities is hereby amended to read as follows:

**2.40.140 Records management roles and responsibilities.**

- A. Accountability. The overall accountability for the borough records management program lies with the clerk.
- B. Responsibilities.
  - 1. Borough Assembly.
    - a. Executive body that endorses the principles of efficient records management for borough public records kept in accordance with state law. The records management program includes the systematic control of records from their creation or receipt, through their processing, distribution, organization, storage, and retrieval to their ultimate disposition for the purpose of reducing the costs and improving the efficiency of record keeping. The term includes the development of records retention schedules, a uniformed record plan, the management of filing and information retrieval systems, the protection of essential and

46 permanent records, the economical and space-effective storage of inactive records, the  
47 management of micrographics and electronic and other records storage systems, and the  
48 development of policies and procedures to implement the program; and

- 49 b. Approve borough records retention schedules and any amendments; ~~and~~  
50 ~~c. Authorize, by resolution, the periodic disposal of the records to be destroyed.~~

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52 2. Borough Manager.

- 53 a. Ensure that all departments comply with the records management program; and  
54 b. Approve the records management policies and procedures as prepared by the clerk.

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56 3. Borough Clerk.

- 57 a. Assigned by the assembly to provide central leadership and oversight of the records  
58 management program per AS 29.20.380 and KIBC 2.50.020; and  
59 b. Prepare and approve the records management policies and procedures.

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61 4. Department ~~Head~~Directors. The ~~headdirector~~head of each borough department is responsible  
62 for:

- 63 a. Designating a departmental records management coordinator who shall represent the  
64 department on the borough records management team;  
65 b. Implementing and ensuring compliance with the records management program within the  
66 department according to the borough standards, policies, and best practices;  
67 c. Establishing and maintaining file systems in compliance with prescribed standards and  
68 procedures;  
69 d. The preparation and periodic revision of a departmental records retention schedule which  
70 shall be submitted to the records management team;  
71 e. The physical inventory of all records created and maintained in their own department; and  
72 f. he preparation of inactive records for micrographic conversion and/or for relocation to the  
73 records storage area.

74  
75 5. Borough Attorney

- 76 a. Review retention schedules for legal compliance and determine that the records  
77 scheduled to be disposed of do not need to be retained for a longer period for purposes  
78 of any pending or threatened litigation or other legal purposes ~~sign-off destruction of~~  
79 ~~borough records~~; and  
80 b. Responsible for notifying borough manager and clerk's office of litigation holds and  
81 releases for borough records upon potential suspicion of litigation, or subpoena of borough  
82 records.

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84 6. Deputy Clerk as Records Management Team Leader.

- 85 a. Prepares and administers the records management policies and procedures according  
86 to the deputy clerk's job description; and  
87 b. Works with the records management team to fulfill its roles and responsibilities.



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- 7. Records Management Team Members.
  - a. Assess and evaluate the borough records management program and systems in place. Identify the records management needs, prioritize those needs, and provide support for the total records management program;
  - b. Review recommended retention schedules submitted by borough departments and forward recommended retention to the assembly for adoption;
  - c. Responsible for providing coordination between the records management team and personnel in their department to ensure compliance with the provisions of the records management program. They are also responsible for maintaining their department records, both active and inactive, for the life cycle of the record; and
  - d. Serve as the spokesperson for the records program for their department and shall inform their department of any changes in policies and procedures.
- 8. Borough Employees and Contracted Agents.
  - a. Create, capture, and organize records of transactions undertaken in business processes according to the borough's policies, procedures, and this chapter.

**Section 3:** Title 2 Administration and personnel, Chapter 2.40 Records Management, Section 2.40.160 Disposal of Records is hereby amended to read as follows:

**2.40.160 Disposal of records.**

- ~~A. Any records to be destroyed shall be reviewed and approved by the department head and clerk, and signed off by the attorney.~~
- ~~B. The assembly, by resolution, shall authorize the disposal of the records to be destroyed.~~
- ~~C. The resolution authorizing the disposal of records shall provide for the destruction of records of the borough which have been found not to be of historical interest nor to have a legal or administrative value; permanent but nonhistorical and have been microfilmed; or not of a historical, legal, or administrative value. Records may also be disposed of by returning them to the original owner.~~
- ~~D. The clerk shall dispose of the records to be destroyed in a manner determined to be appropriate.~~
- ~~E. Upon disposal, the clerk shall file in the clerk's office, a descriptive list of the records disposed of and microfilmed.~~
- A. The clerk shall dispose of borough records if the following requirements are met:
  - 1. The time for retention of the records under the approved retention schedule has elapsed rendering them obsolete and eligible for disposal; and
  - 2. The records eligible for disposal are not vital or historical records, have no legal, administrative, or financial value, and are not required to be retained for any other purposes; and
  - 3. The clerk has provided the list of records eligible for disposal to the department heads for review and recommendations. Justification must be provided if a record is removed from the disposal list and the record will be returned to the department and will revert back to being an active record.

- 136 4. The borough attorney determined that the records do not need to be retained for a longer  
137 period for purposes of any pending or threatened litigation or other legal purposes.  
138 B. The clerk shall dispose of records eligible for disposal by destruction, by return to the original  
139 owner, or by any other means deemed appropriate based upon the records. Records eligible  
140 for disposal which are of a confidential nature shall be disposed of by means determined to  
141 be appropriate by the clerk which does not compromise their confidential nature.  
142 C. The clerk shall provide a report to the borough assembly a description of all records that are  
143 scheduled to be disposed and of obsolete records disposed during the preceding year. The  
144 clerk shall maintain a permanent log of all records which have been destroyed.  
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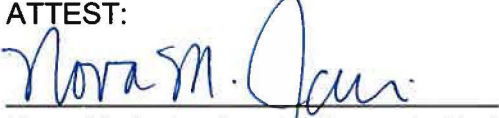
146 **Effective Date:** This ordinance takes effect upon adoption.  
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148 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
149 **THIS SECOND DAY OF JUNE, 2022**  
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151 KODIAK ISLAND BOROUGH

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154 William Roberts, Mayor  
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ATTEST:

  
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157 Nova M. Javier, Interim Borough Clerk  
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158 **VOTES:**

159 Ayes: Delgado, Griffin, Smiley, Smith, Turner, Arndt  
160 Absent: Williams