

RESOLUTION 17-25

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA ESTABLISHING A REVISED RECORDS MANAGEMENT PROGRAM, INCLUDING A RECORDS MANAGEMENT MANUAL, AND AUTHORIZING THE CITY CLERK TO MAKE FUTURE REVISIONS TO THE PROGRAM AND MANUAL AS NECESSARY.

WHEREAS, A.R.S. §41-151.14 requires every municipality to establish and maintain an active, continuing program for the economical and efficient management of the public records of the agency and to promote the principles of efficient records management for local public records by following, as far as practicable, the program established for the management of state records;

WHEREAS, the City Council approved Resolution 07-07 on February 6, 2007, which established a City wide records management program; and

WHEREAS, a records management program helps save money and time, protects the government and supports historical and other research; and

WHEREAS, after consultation with staff, the City believes that revising the previously adopted program to include statutory revisions and best practices and authorizing the City Clerk to make future revisions as necessary will be in the City's best interests.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and City Council of the City of Maricopa, Arizona, hereby establishes a revised records management program, which includes the records management manual, attached hereto as exhibit A, and authorizes the City Clerk to make future revisions to the program and manual as necessary.

PASSED AND ADOPTED by the Mayor and City Council of the City of Maricopa, Arizona, on this 15th day of August, 2017.

APPROVED:

Christian Price
Mayor

ATTEST:

APPROVED AS TO FORM:

Vanessa Bueras, MMC
City Clerk

Denis Fitzgibbons
City Attorney

Exhibit A

City of Maricopa Records Management Manual

All records received or generated by officials, employees, or representatives of the City of Maricopa in the performance of their duties should be maintained in accordance with the provisions set forth in this manual.

INTRODUCTION

State law **(A.R.S.) §41-151.12** requires every municipality to establish and maintain an active, continuing program for the economical and efficient management of records, and to appoint an individual to manage the program in accordance with all applicable statutes. The designated individual oversees the program to ensure that accurate Records Retention and Disposition Schedules are maintained and adhered to, and that all reporting requirements are met.

The City Clerk is responsible for the day-to-day oversight of the City of Maricopa's Records Management Program to ensure compliance with State law. Through an ongoing Records Management Program, the City Clerk, or designee, provides assistance and support to all departments of the City of Maricopa to ensure schedules are followed and destructions are properly documented and reported. The City Clerk, or designee, works closely with the Records Liaison (or department appointed designee) in each department to inventory records, coordinate records destruction and update City Staff on Records Retention updates. The City Clerk, or designee, also serves as the liaison to the Arizona State Library, Archives and Public Records (State Library). **(A.R.S.) §41-151.14.a.7**

This manual was prepared by the City Clerk's Office to provide written procedures for complying with State law and the City's records management policies and procedures. This manual is an important working document for employees. Any questions on records should be directed to the City Clerk's Office.

The manual includes:

- Overview of the City of Maricopa's Records Management Program
- Operating Procedures and Guidelines for Complying with State Law and City Policies for Managing Public Records:
 - [Section 1](#): Records Retention and Disposition Schedule
 - [Section 2](#): Records Retention and Storage
 - [Section 3](#): Records Destruction
 - [Section 4](#): Electronic Records, Microfilm, and Document Imaging
 - [Section 5](#): Electronic Messages (E-Mail and Voice Mail)
 - [Section 6](#): Social Networking Utilities
 - [Section 7](#): Public Records Requests
 - [Section 8](#): Frequently Asked Questions
- Supplement Information, including:
 - State's Records Retention and Disposition Schedule for AZ Municipalities ([Appendix A](#))
 - Records Management Forms ([Appendix B](#))
 - Instructions for Transferring Records to the Records Center ([Appendix C](#))
 - Public Records Requests ([Appendix D](#))

OVERVIEW

Purpose

The City of Maricopa's Records Management Program was established to provide a comprehensive and cost effective method for maintaining, storing, retrieving, preserving, and disposing of City records in compliance with State law.

Authority

Resolution 07-07

Resolution 07-07 establishes a Records Management Program for the City of Maricopa as required by A.R.S. § 41-151.12, and grants the City Clerk authority to oversee the program.

A.R.S. § 38-421* – Destruction of Public Records

A.R.S. § 38-421 declares the destruction of public records by a public officer without authorization is a class 4 felony, and by persons other than a public officer, a class 6 felony. Stealing, mutilating, defacing, altering, falsifying, removing or secreting public records are also felony offenses.

A.R.S. § 41-151.14* – Public Records Management

A.R.S. § 41-151.14 directs each governing body within the State to establish a records management program, provides a definition for "records management," and sets forth the classification and penalty for violating the statute.

A.R.S. § 41-151.15* – Preservation of Public Records

A.R.S. § 41-151.15 declares all records made or received by public officials of the State in the course of their public duties to be the property of the State. Public records are in no sense personal property, nor are they the property of a specific agency or political subdivision. The statute also prohibits the destruction or disposition of any public record unless the Department of Library, Archives and Public Records has determined that the record has no further administrative, legal, fiscal, research, or other value.

A.R.S. § 41-151.18* – Definition of Records

A.R.S. § 41-151.18 provides the definition of what is, as well as what is not, a record.

A.R.S. § 41-151.19*- Determination of Value

A.R.S. § 41-151.19 directs every public officer who has public records in the public officer's custody to consult periodically with the state library and the state library shall determine whether the records in question are of legal, administrative, historical or other value.

***Arizona Revised Statutes are available online at:**

<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>

Scope

The Records Management Program is applicable to all departments, officials, employees, and representatives of the City of Maricopa. All records defined under A.R.S. § 41-151.18, including records maintained by the City of Maricopa, are the property of the State of Arizona. The program encompasses all records regardless of physical form or characteristic. No City official or employee has any personal or proprietary right to such records, even though he or she may have developed, created, or compiled the record. Unauthorized removal, destruction, or use of City records is prohibited.

Objectives

The primary goal of the Records Management Program is to provide for efficient, economical, and effective control over the creation, distribution, maintenance, use, preservation, and disposition of all City of Maricopa records, regardless of physical form or characteristic.

The Records Management Program objectives are:

- Ensure consistency and compliance with State law regarding records.
- Establish and maintain a current inventory of all existing records.
- Determine the disposition of each record series based on whether or not it has permanent or archival research value, and whether or not it must be retained and/or microfilmed.
- Ensure periodic review of records and updating of staff on the General Records Retention and Disposition Schedule.
- Review and recommend efficient and cost effective methods for record storage and retrieval.

Duties and Responsibilities

City Clerk

The City Clerk is the Chief Records Management Officer for the City of Maricopa and is responsible for administering the City's Records Management Program.

The City Clerk:

- Develops, approves, and applies standards for the evaluation of records for preservation, retention, transfer, and disposal.
- Develops, approves, and applies general guidelines for the creation and version control of official City documents (minutes, contracts, resolutions, ordinances, and publications).
- Confers with the City Attorney, as needed, for legal review of new records management policies and procedures prior to implementation.
- Confers with the City Manager, as needed, for approval of the Records Management Manual and Records Management Administrative Guidelines and Regulations prior to implementation.
- Oversees the activities of the Records Coordinator to insure compliance with the Cities Records Management Program

Records Coordinator

The Records Coordinator is responsible for the day-to-day oversight of the City's Records Management Program.

The Records Coordinator:

- Oversees the day-to-day operation of the City's Records Management Program to ensure compliance with State law.
- Serves as the liaison to the State Library.
- Assists and educates all individual departments in establishing an internal records program for active and inactive records.
- Drafts, revises, and communicates the guidelines and procedures for the management and disposal of department records.
- Prepares and maintains the City Records Management Manual.
- Provides training in the fundamentals of the Records Management Program.
- Requests for document imaging implementation to the State Library Director for approval.
- Reviews all requests for destruction of records and coordinates approval of destruction with the State Library.
- Files destruction reports with the State Library.
- Maintains records documenting the City's use of an active records management program, including Retention Schedules, destruction reports, and other documents showing the City's adherence to a methodic system of records retention and destruction.
- Evaluates and classifies historical and archival City documents and assures that they are properly stored.
- Prepares and maintains the Vital and Historic Records Protection Plan and the Disaster Recovery Plan.
- Assists departments and offices of the City in the identification and preservation of the City's historic and vital records.
- Monitors internal and external public information requests.
- Makes recommendations on budgetary needs to ensure the Records Management Program is funded appropriately.

Department Heads

Each Department Head and Office Manager is responsible for ensuring that the City Records Retention Program is being followed within the Department/Office and that their records are maintained according to the State approved retention schedule.

Each Department Head shall be responsible for making employees aware that City records are not personal property. City records may not be removed from the City for personal use, and City records may not be destroyed without proper authorization. No employee shall remove City records from a department if transferring to another department or retiring from the City.

Each Department Head shall elect a Records Liaison and notify the City Clerk of the designation or any change in designation.

Records Liaison

The Records Liaison is responsible for managing the records management responsibilities for their respective department.

The Records Liaison:

- Maintains department or division records in a neat and orderly manner to facilitate the maintenance, retrieval, storage, and disposition of the records in compliance with State law.
- Ensures compliance with current State-approved Retention and Disposition Schedules of all existing records created within the division or department.
- Reviews, periodically (but not less than once per year), all existing records maintained within the department.
- Identifies and transfers inactive records to the offsite facility.
- Identifies documents meeting destruction requirements, ensures their destruction, and prepares required forms or reports.
- Prepares related records management forms and reports.
- Works with the City Clerk, or designee, to ensure compliance with records management laws, policies, and guidelines.

City Officials, Employees, and Representatives

All City officials, employees, and representatives shall adhere to the City's records management policies and procedures. No City official or employee has a personal or proprietary right to such public records, even though he or she may have developed, created, or compiled the record.

Unauthorized removal, destruction, or use of City records by any official, employee, or representative of the City of Maricopa is prohibited. Employees who violate the City Records Management Policy are subject to disciplinary action.

Definitions

Archival Paper

Archival paper is a high quality, high fiber content paper used to preserve permanent documents. Other paper that has been tested and approved as suitable for permanent records by the State Library may also be considered to be “archival” quality. A representative from the State Library can conduct a simple test to determine whether or not a specific type or brand of paper is suitable for permanent documents. The Records Coordinator is available to schedule these tests.

Department

“Department” for records management purposes includes all departments, divisions, and offices of the City of Maricopa. A division is not required to have a separate schedule. For administrative purposes, a division’s records may be included on the department schedule.

Employee

“Employee” for records management purposes shall mean any official; regular, part-time, or contract employee; representative; or volunteer of the City of Maricopa.

General Schedule

The State’s Records Retention and Disposition Schedule (General Schedule) lists each department’s records life cycle.

Microfilm

Microfilm is a high-resolution film that records paper images in a reduced format. There are several types of microfilm:

- **Aperture Card:** An aperture card is basically an IBM card containing an aperture or window into which a single frame of 35mm microfilm is inserted.
- **Fiche or Microfiche:** Fiche or microfiche is a sheet of photographic film containing micro-images in a grid format. Microfiche is usually 148mm X 105mm in size (4” X 6”) and is created by a Computer Output Microfilm (COM) process.
- **Jacket:** A jacket is a polyester film laminated to form a clear plastic card with channels, into which strips of 16mm or 35mm film may be inserted. Jackets are usually 4” X 6” and have a frosted strip at the top edge to accept typed labeling.
- **Roll Film:** Roll film, also called “reels,” is commonly available in 16mm or 35mm wide rolls usually 4 inches in diameter, holding 100 or 200 feet of film.

Record(s)

State Statute defines records as:

“ . . . all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-151.16, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in the record, and includes records that are made confidential by statute.

To summarize, a record is any recorded information, regardless of medium or characteristics, including any paper, book, microfilm, card, magnetic tape, disk, map, or any copy or printout that has been created, received, or used by an organization as evidence of its activities.

- **Active Records:** A record is considered active as long as the reference value of the record remains high. A good rule of thumb is to consider any document that is referred to at least six times per year to be an active record.
- **Electronic Records:** Electronic records are those that, regardless of physical form, reside in or are accessed by a computer system.
- **Inactive Records:** A record is considered “inactive” when there is no longer any activity or interest in the document.
- **Non-Permanent Records:** A non-permanent record is any record that has a time-defined retention period, even if the retention period spans a great number of years or even decades. Non-permanent records must be retained and destroyed in compliance with a State-approved Retention Schedule. If a document (or documents) in a non-permanent record series is deemed to have historic value, the document is reclassified as a permanent record and cannot be destroyed. The remaining non-historic documents in the series are still considered non-permanent records and must be destroyed according to their respective Retention Schedule.

Non-Records

State Statute defines non-records as:

“Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications or documents intended for sale or distribution to interested persons.” (A.R.S. § 41-151.18)

While the definition of records encompasses a broad spectrum of recorded information, not all recorded information is considered a record. Some examples of non-record materials include:

- Duplicate or extra copies of correspondence and reports initiated by another department and retained for informational purposes.
- Working papers and notes that do not pertain to a specific project.

- Drafts of reports or correspondence that have been finalized.
- Published materials originating from City offices or other entities that require no action.
- Catalogs, trade journals, and other publications.
- Correspondence of short-term value, such as transmittals, courtesy copies of memos, etc.
- Informational or courtesy copies of records in which no documented administrative action is taken.
- "While-You-Were-Out" telephone logs (copy pages).

Non-record material should not be filed or retained in the same file with record material. Sometimes documents that are normally considered non-records, such as transmittals or routing slips, will acquire record status if they clarify the matter being documented. Such distinctions require care and discretion when filing.

Generally, for records management purposes, multiple copies of a single document are non-records. One copy of the document, preferably the original, must be designated as the official record, listed on the General Retention Schedule, and retained according to the schedule. Non-record copies should never be kept longer than the retention period established for the official record.

Non-record copies are discoverable and admissible as evidence in court and are subject to public records requests.

Permanent Records

Permanent records are not scheduled for destruction, and are relatively rare, usually comprising three to five percent of a municipality's total records. Permanent records can never be destroyed. Some examples of permanent records include:

- Council meeting minutes and minutes of boards, commissions, and committees having regulatory authority.
- Resolutions and ordinances of the City Council.
- One copy of the City's annual reports.
- Original copy of organizational documentation (for example, the City Code or amendments to the City Code; major changes in organization structure).
- Records documenting a historic or "landmark" event.

Permanent records have special storage requirements and are to be maintained on high quality, high fiber content paper, often referred to as archival paper, or microfilmed according to State-approved standards. A.R.S. § 39-101 prescribes the material and storage conditions required for permanent public records and the penalty for noncompliance.

Essential Records

Essential (or vital) records are records that are critical to the continued operation of the City. Essential records are those records necessary for the City or a department or office to carry on business. It is the irreplaceable recorded information, regardless of the media that is essential for the continuation of an organization.

Record Series

A record series is a group of like records that are filed together and treated as a single unit for record management purposes. As an example, a personnel file exists for every employee in the organization. Even though there may be hundreds or thousands of these files, with each file containing a variety of documents, they are referred to as a records series – “personnel files” – for record retention purposes.

Records Inventory

A Records Inventory identifies the types and quantity of records that are kept, and contains an estimate of how long the information contained in each record series will be needed to accomplish City business (often based on retrieval frequency).

General Records Retention and Disposition Schedule

A [General Records Retention and Disposition Schedule](#) (also referred to as Retention Schedule or schedule) is a State-approved timetable that establishes the length of time a record must be kept. The retention and disposition dates listed on the General schedules are based on use or need of the record, and on its administrative, legal, fiscal, or archival value to the City of Maricopa. A retention schedule also serves as the required legal authority to destroy a record once the retention period has been met. Retention schedules apply to both electronic and paper documents.

EXCEPTION: Records retained for a litigation hold, upcoming audits, or criminal/government investigations must be retained until the hold has been lifted and the records have met their maximum records retention period.

There may be a need to retain a record series longer than what the retention schedule indicates. In this case, written justification stating the need for extending the retention period must be submitted to the City Clerk’s office for approval.

Operating Procedures & Guidelines for Complying with State Law & City Policies for Managing Public Records

SECTION 1: RECORDS RETENTION AND DISPOSITION SCHEDULE

All records created and/or maintained by officials, employees, and representatives of the City of Maricopa should be found on the State's Records Retention and Disposition Schedule.

The State's Records Retention and Disposition Schedule is a document that lists the types of records (record series) maintained by each department, specifies the period of time a record is retained, and authorizes the destruction of non-permanent records.

The State lists over twenty different schedules that generally include records for a single department on several of the schedules. A thorough review of the schedules is required to determine what areas cover each department's records.

Retention and Disposition Schedule Compliance

State and local agencies within Arizona are legally required to comply with their respective schedules. To ensure compliance, Retention Schedules must be followed carefully and consistently. However, following a Retention and Disposition Schedule should not preempt good judgment. Records required beyond the prescribed retention period for legal discovery or ongoing audit purposes must be maintained until cleared by the appropriate authority.

Contact the City Attorney's Office whenever records are required because of a lawsuit or criminal investigation. Similarly, if you believe records should be kept beyond their retention period because they have historic or archival value, contact the Records Coordinator to request an extension. The City Clerk, or designee, will provide assistance in determining the archival value of the document in question.

A department or office must have written approval from the Records Coordinator before delaying the destruction of records on an approved retention schedule.

Periodic Review

The City Clerk, or designee, will work with each department to review and update staff on any changes in the State's Retention and Disposition Schedules.

SECTION 2: RECORDS RETENTION AND STORAGE

Most records have active and inactive stages in their lifecycle. For purposes of retention, these records are grouped within the same series. However, for filing purposes, active and inactive files are usually maintained separately because it may be more cost-effective to store inactive files at an offsite storage facility. Active or inactive records that must be retained longer than twenty years may require microfilming for preservation purposes.

Active Records

Paper records are usually retained within the department until they are no longer considered active. In most cases, a record must be referred to more than six (6) times a year to be considered active. When activity drops to a very low level, consideration should be given to transferring the records to the records center.

Inactive Records

When records are seldom referred to, their continued onsite retention becomes impractical. For this reason, most inactive records are stored in the records center until retention requirements have been met. Records of little or no value not only take up valuable space, but make the retrieval of important records more difficult. Only those records referenced on a regular basis should be stored in the office. All other records should be stored in the records center.

Departments should determine which records are eligible for transfer to the records center by periodically (every 6 to 12 months) reviewing their respective State Records Retention and Disposition Schedules.

SECTION 3: RECORDS DESTRUCTION

Records required for legal or audit purposes beyond the specified retention period must be maintained until cleared by the appropriate authority (City Clerk working in conjunction with the City Attorney) before disposition.

A State-approved Retention Schedule is a continuing authority to dispose of records that have met their scheduled retention period. With an approved schedule, the City may dispose of listed records without further approval. The State encourages the lawful and timely destruction of eligible records. A record should not be destroyed while it still has significant value, nor should it be retained after its value drops below the cost of continued retention. However, records required for legal or audit purposes beyond the specified retention period must be maintained until cleared by the appropriate authority (City Clerk working in conjunction with the City Attorney) before disposition.

Disposition of official City records must be reported to the State Library after the records have been destroyed (A.R.S. § 41-151.19).

Authorization to Destroy Records

The State Retention and Disposition Schedule serves as the authorization to destroy records at a designated point in time. No further approval is required from the State prior to destroying records after the scheduled retention period has been met. However, in accordance with the Retention and Disposition Schedule, proper documentation must be made for all records destroyed and City Clerk's Office approval must be obtained **prior** to the destruction of the record.

If the record to be destroyed is not listed on the current State approved Schedule, or if it is required beyond the prescribed retention period for legal discovery or ongoing audit purposes, **do not destroy the record**. Whenever there is a question regarding whether or not a record can be destroyed, call the Records Coordinator for assistance.

Disposal of Records

In accordance with the State Retention Schedule, the department's Records Liaison must request the destruction of records on a State [Certificate of Records Destruction Form](#) and file it with the Records Coordinator **PRIOR** to destruction of the record. After approval has been given, the requesting department will be notified by the City Clerk's Office and necessary steps to destroy the record in accordance with the State Records Retention Schedule will be taken. The Records Coordinator will retain a copy of the State Certificate of Records Destruction Form for the official files and forward the original report to the State after a record has been destroyed.

Retaining Records after the Scheduled Retention Period Has Been Met

Authority from the Records Coordinator, in consultation with the City Clerk and/or City Attorney, is required to hold records longer than their approved retention. Reasons for retaining a record or records beyond the retention date include:

- The record is involved in litigation (when necessary, the Records Coordinator or City Clerk will consult with the City Attorney or his designee to determine the disposition of a record or records involved in

litigation).

- The record is involved in an audit.
- It is determined that a record or record series may have historic value to the organization.

Written documentation will be maintained for those situations where it is determined appropriate to maintain records beyond the approved retention schedule.

Disposal of Records that are Not Listed on Approved Schedules

Occasionally, a department may be the official record holder of a unique document or record series that was created or received on a one-time-only basis and will not be created or retained by that department again.

A department record that is **NOT** listed on the State Schedule may be destroyed once written approval from the Director of the Department of Library, Archives and Public Records has been obtained. To obtain written authorization from the State, the department must fill out a [Pre-approval for Unscheduled Records Disposition](#) (see appendix B) and submit the completed form to the Records Coordinator. The Records Coordinator will retain a copy of the request form and forward the original to the State Library, Records Management Division, for processing.

Once approval for destruction of the record(s) is received from the State Library, the department will receive notification from the Clerk's Office that the record(s) can be legally disposed of according to established records management procedures. Approval from the State of the Single Request for Records Destruction or Transfer also serves as the Report of Destruction and no further reports are required.

Please note: The Pre-approval for Unscheduled Records Disposition is not intended to replace a department's Retention Schedule.

Methods of Destruction

The most desirable method of destruction for non-confidential public records is recycling. Recycling can be a source of revenue and ensures the total destruction of the records.

Shredding, pulping, mastication, and disintegration are all thorough destruction methods. These methods typically require specialized equipment and can be expensive as well as labor intensive. These destruction methods should only be used for confidential or restricted records because of their relatively high cost.

Depositing records in a landfill is **not** an acceptable destruction method for the City of Maricopa's confidential records unless the documents have been shredded. While burying records in a landfill may make the records unusable for most practical purposes, it is not a truly effective method of destroying records.

Destruction of records carried out by the offsite storage vendor must be documented and reported. The offsite storage vendor is required by contract to provide destruction reports to the requesting department. The department is responsible for completing a Report/Certificate of Destruction Form and sending it to the Records Coordinator for submission to the State Library.

SECTION 4: ELECTRONIC RECORDS, MICROFILM, AND DOCUMENT IMAGING

All City records, regardless of format, must be maintained according to the State Records Retention and Disposition Schedule. The retention and destruction of an electronic record, microfilm, or image is the same as for the paper copy of the same record. A Report/Certificate of Records Destruction Form is required for destruction of electronic records, images, and microfilm once the retention period for that record or record series has been met.

Electronic Records

Electronic records are those that, regardless of physical form, reside in or are accessed by a computer system or are maintained in a media that can only be read by a machine or electronic device.

A.R.S. § 44-7041 allows public agencies to create, receive, and maintain electronic records as long as the records comply with all other statutory records requirements.

Creating an electronic record “up-front” rather than converting it from another media is a cost effective and efficient method of managing most non-permanent records. Some examples of electronic documents that may be maintained in electronic form include Word documents, Excel spreadsheets, or data input into a computer file, incoming and outgoing e-mail, large reports or statements sent by an outside agency or company for storage on the City’s computer network, scanned or imaged documents, digital photographs, online forms completed/submitted by citizens or vendors, etc.

Microfilming

Microfilm is a high-resolution film that records paper images in a reduced format. When records have been microfilmed, tested, and stored properly, they become legal documents and are admissible as evidence in court. Once the film has been inspected, and if authority has been given to destroy the hard copy original record (source document), the microfilm original replaces the source document and becomes the primary or record copy. If the source document does not have archival value, it shall be destroyed after the microfilm is verified as accurate and complete. The microfilm will then be maintained in accordance with an approved Retention Schedule.

Benefits

Saves space – microfilming records can save over 90 percent of the space needed to store the same records on paper.

- Accessibility – data on film is physically more accessible and can be referenced more quickly than data on paper.
- Improved security – duplicate (backup) copies can be stored offsite for minimal cost.
- Efficiency – microfilm helps maintain file integrity and reduces misfiles.

Reasons for Microfilming

- Managing large volumes of records, which must be accessed on a regular basis, and storage space is limited.
- Managing records that must be retained over a long period of time or permanently.
- Meeting State storage requirements for permanent records.
- Storing a copy of essential records offsite as part of a disaster recovery/vital records plan.

Limitations

Microfilming records is an expensive and labor-intensive procedure; so, it is important to weigh the benefits against the cost. Quite often a department will find that it is not cost effective to microfilm inactive records unless long-term retention is required.

It is also important to take into consideration the physical condition of a record or record series prior to microfilming. The quality of a copy made from microfilm will suffer if original documents are in poor condition, created on colored paper with certain colors of ink, or are on very thin paper, such as onionskin.

If a decision is made to microfilm a particular record series, the paper form of the record should not be retained unless the Records Coordinator has authorized the deviation from standard procedure, and the process is reflected on a Retention Schedule and noted on a Request for Document Imaging Implementation Form.

Records to be microfilmed should be filmed as soon as activity diminishes or volume justifies.

Document Imaging

Document imaging is a very attractive method for the storage, indexing, and retrieval of records. The images take up no physical space, in the traditional sense, and the images can be viewed using a standard computer display, or printed on most laser or inkjet printers. Document imaging is **not** an approved method for retaining permanent records.

Imaging can work well for:

- Documents with a relatively short retention period.
- Documents with high retrieval activity.
- Documents containing information that must be accessed by more than one department simultaneously.
- Large volume documents.
- Records that have no legal requirements for retaining a paper copy of the original document.
- Multiple copies of documents that exist in multiple places.

State Approval for Document Imaging and Microfilming

Departments must obtain prior approval from the State Library for all micrographic and electronic document imaging applications.

Prior approval from the State Library is required when a public agency implements a system to convert a record series of paper documents to microfilm or electronic media. When a public agency creates or receives documents in an electronic format upfront (rather than converting them from paper), approval from the State is not required.

A.R.S. §§ 41-151.16 and 44-7041 permit each agency of the State, or its political subdivisions, to implement a program for the production or reproduction of public records on film or electronic media, providing that the program has been pre-approved by the State Library Director. The required elements

of such a program must include: the type or types of records to be produced or reproduced, the method of production or reproduction, the method of storage, and the equipment to be used. Violation of this section is a class 2 misdemeanor.

To obtain approval to image or microfilm City records, a Request for Document Imaging Implementation Form must be completed and submitted to the Records Coordinator. The Records Coordinator will forward the request to the State Library, Records Management Division, for approval, and notify the department when (or, if) approval has been granted.

State-approved micrographic and imaging applications must be resubmitted to the State for approval every five (5) years.

SECTION 5: ELECTRONIC MESSAGES (E-MAIL AND VOICE MAIL)

Electronic messages, including e-mail and voice messages, are subject to the Public Records Act (A.R.S. § 41-151.18) and may be subject to public disclosure.

For records management purposes, the majority of the City's electronic messages, e-mail or voice mail, are short communications that function much like phone calls and are considered to be non-records. Electronic messages cannot be given blanket retention periods because they are not technically a type of record or record series.

For the sake of administrative convenience, deleting of transitory e-mail and voice mail messages, within 30 days of receipt, provides economical and efficient records management of information on City servers.

However, Electronic messages that are considered to be official records must be maintained for the same length of time and destroyed in the same manner as a paper record. For example, a State Schedule requires that citizen complaints be retained for three years. Therefore, all citizen complaints sent via e-mail, left as voice mail messages, sent via U.S. Mail, or received in any other electronic or paper format must be retained for three years.

Non-Records

Non-record electronic messages that do not meet the statutory definition of a record (A.R.S. § 41-151.18) are to be deleted from the user's inbox at any time after the reference value has been served. Destruction of non-record electronic messages does not need to be reported on a Report/Certificate of Records Destruction form.

Records

If an electronic message is considered to be an official record as defined in A.R.S. § 41-151.18, it may require short-term storage, long-term storage, or a combination of both.

Short-Term

Records with a retention period of **one year or less** can be maintained effectively in a personal computer or on the City's network. These types of records may include but are not limited to: Appointment Calendars, Logs/Rosters, Activity Reports (weekly, monthly, quarterly), transitory materials, etc. These short-term records can be organized and stored in online "folders" to facilitate document retrieval.

Long-Term

Initially, highly active long-term records may be maintained online for convenience and later stored offline when activity diminishes.

Electronic messages requiring long-term retention (**more than one year**) can be maintained in one of several types of offline systems. Offline storage is defined as the storage of email messages, metadata, and attachments outside of the City's e-mail system. The clearest example of this type of storage is to simply print out the record to paper, with its contextual information and attachments in place, for filing within the department's existing filing system. Offline storage may also include computer output microfilm (COM), magnetic tape, or optical disk (CDs, DVDs).

City Policies on Internet and E-Mail Use

The electronic communications capabilities of the City are working tools of the organization to be used to conduct business efficiently and to better serve the community. Employees are expected to adhere to the administrative policies relating to these resources. Employees who violate these policies are subject to disciplinary action (refer to the City of Maricopa's Personnel Policies and Procedures Manual).

SECTION 6: SOCIAL NETWORKING UTILITIES

Government entities and public officials taking advantage of social networking utilities (Twitter, Facebook, MySpace, LinkedIn, etc.) must comply with applicable statutes, rules, and ethical obligations, including Arizona's open meeting and public records laws.

Members of a public body subject to the open meeting law must conduct business at public meetings and may not use technological devices to circumvent the open meeting law requirements.

Records created and received in connection with the transaction of public records must be "promptly" made available for public inspection and copy. ([A.R.S. § 39-121.01](#))

SECTION 7: FREQUENTLY ASKED QUESTIONS

The Arizona statutes providing citizens and the press the right to inspect and obtain copies of public records are important to open government and maintaining public trust. The City strives to meet its obligations to the public under the laws, while protecting City and individual legal interests, as allowed by law. See Appendix “D”

Procedure for Responding to a Public Records Request:

- A. *Receiving a Request:* To help members of the public in making public records requests, the City provides a “Public Records Request Form.” This form is available on the City website and can be filled and submitted online or downloaded and submitted in person. It is recommended that members of the public use this form in order to facilitate the orderly compliance with public records requests, but any request, whether written or made orally must be honored. If a member of the public wishes to make an oral request, the city employee receiving the request should fill out the public records request form and submit to the **City Clerk’s Office** for processing.
- B. *Collection and Compilation of Documents in Response to the Request:* After the request is received, and sent to the City Clerk’s Office, the Clerk will send to the relevant departments that may have possession and control of the requested documents. In addition, a notification of the request may be sent to the City Attorney’s office.

Employees asked to respond to a public records request should make every attempt to respond to such requests on a timely basis. State law requires that documents be “promptly furnished.” A.R.S. §39-121.01 (D). If response will take more than 48 hours, the responding departments will contact the Clerk’s office with an explanation that will be forwarded to the requesting party with an estimate of the time it will take to complete. In complying with the request, documents that may be considered of a confidential nature should be segregated for review by the City Attorney’s office. Such documents include but are not limited to:

1. Attorney-client privileged documents, i.e. documents that contain opinions, analysis, work product from any attorney representing the City.
2. Documents containing “personal identifying information” that may require redaction.

The Police Department has a separate established policy and procedure for their release of records. Those policies and procedures take precedence over the procedures described herein.

SECTION 8: FREQUENTLY ASKED QUESTIONS

What is a record?

State Statute defines records as:

“ . . . all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-151.16, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in the record, and includes records that are made confidential by statute.” (A.R.S. § 41-151.18)

To summarize, a record is any recorded information, regardless of medium or characteristics, including any paper, book, microfilm, card, magnetic tape, disk, map, or any copy or printout that has been created, received, or used by an organization as evidence of its activities.

Who do the public records belong to, the department or the City of Maricopa?

Neither. Public records, as defined above, are the property of the State of Arizona. Municipal records are not personal property, even if the records were created for personal convenience, nor are they the property of a specific agency or political subdivision (A.R.S. § 41-151.15). The individual departments within the City of Maricopa, as well as the City Clerk’s Office, simply serve as custodians of municipal records.

What is the difference between a non-permanent and a permanent record?

A non-permanent record is any record that has a time-defined retention period, even if the retention period spans a great number of years or even decades. Non-permanent records must be retained and destroyed in compliance with a State-approved Retention Schedule.

If a document (or documents) in a non-permanent record series is deemed to have historic value, the document is reclassified as a permanent record and cannot be destroyed. The remaining non-historic documents in the series are still considered non-permanent records and must be destroyed according to their respective Retention Schedule.

The list of non-permanent records is quite extensive; however, a few examples include:

- Administrative and Personnel Files
- Budget and Financial Records
- Legal Opinions
- Non-Regulatory Authority Board or Commission Minutes and all Executive Session Minutes
- Most Contracts

Permanent records are not scheduled for destruction and are relatively rare, usually comprising three to five percent of a municipality’s total records.

Some examples of permanent records include:

- Council meeting minutes and minutes of boards, commissions, and committees having regulatory authority.
- Resolutions and Ordinances of the City Council.
- Documents declared by Resolution to be a public record.
- One copy of the City's annual reports.
- Original copy of organizational documentation (for example, the City Code or amendments to the City Code; major changes in organization structure).
- Records documenting a historic or "landmark" event.

Permanent records have special storage requirements and are to be maintained on high quality, high fiber content paper, often referred to as archival paper, or microfilmed according to State-approved standards. A.R.S. § 39-101 prescribes the material and storage conditions required for permanent public records and the penalty for noncompliance.

What is a Records Retention and Disposition Schedule?

A Records Retention and Disposition Schedule (also referred to as Retention Schedule or schedule) is a timetable that identifies the length of time a record must be kept in active and inactive status prior to final disposition. It also serves as a reference and management tool to be used to set the time to retire records to inactive status and, eventually, the time to destroy or otherwise dispose of the records. The retention and disposition dates listed on State-approved schedules are based on use or need of the record, and on their administrative, legal, fiscal, or archival value to the City of Maricopa.

Types of Retention Schedules

State Model Retention Schedule

The State Library has prepared and pre-approved the State Model Retention Schedules that complies with most of the records for the City of Maricopa.

What if a Record is not in the Manual?

If a record does not fit into any of the records series listed in the schedules, notify your Records Coordinator. Just because a record is not listed in the schedule, does not mean it is not a record. The record may be listed under a different department or schedule type.

How are non-records handled?

Non record copies should be retained only as long as they are regularly referenced, but never longer than the retention listed for the Prime Copy holder. Usually non-record copies are retained one to three (1 to 3) years depending on their use. Non-records should be destroyed when superseded. A Records Destruction Request form is not required to destroy non-records, however, be aware if the record is confidential or sensitive in nature. Even non-records may need to be shredded.

How do I report the destruction of records?

Obtaining an approved Retention Schedule is only the beginning. Once a State-approved schedule has been obtained, the department is legally required to comply with the schedule. In addition, the department's Records Liaison must request approval for the destruction of the record on a Report/Certificate of Destruction Form and file it with the Records Coordinator. This form must be approved by the City Clerk's Office prior to destruction of the record. After approval has been given, the requesting department will be notified and necessary steps to destroy the record in accordance with the State approved Records Retention Schedule will be taken. The Records Coordinator will retain a copy for the official files and forward the original report to the State.

If the record to be destroyed isn't listed on a current, State-approved Schedule, or if it is required beyond the prescribed retention period for legal discovery or ongoing audit purposes, **do not destroy the record**. Whenever there is a question regarding whether or not a record can be destroyed, call the Records Coordinator for assistance.

Where can I go for help?

Need additional assistance? Answers to many of your questions are contained in this manual. Of particular interest are Section 1, Section 2, and Section 3, which contain general guidelines for managing public records; and Section 7, which contains a list of frequently asked questions.

Every department has a Records Liaison who is responsible for preparing and updating the department's Retention Schedule and ensuring that records are maintained according to that schedule. The Records Liaison can answer specific questions regarding their department's records and reports.

Who can I contact with questions regarding records management?

The Office of the City Clerk (Records Coordinator or City Clerk)

APPENDIX "A"

STATE RECORDS RETENTION AND DISPOSITION SCHEDULE

APPENDIX “B”

RECORDS MANAGEMENT ONLINE FORMS

1. [Report/Certificate of Records Destruction](#)
2. [Pre-approval for Unscheduled Records Disposition](#)
3. [Request for Document Imaging Implementation](#)
4. [Public Record Request Form](#)

APPENDIX “C”: TRANSFERRING RECORDS TO THE RECORDS CENTER

The following items are needed to transfer records to the Records Center:

- ✓ **A standard records box.** A standard records storage box is 1.2 cubic feet; 10” X 12” X 15” in size; 250-pound test; has one cutout handle at each end of the box; and has a separate, tight fitting lid.
- ✓ **Records Center Box Label (one for each box).**

Procedure

Records are to be placed in the box using the same filing system that was used by the department to file the records onsite. Expensive file folders, binders, and covers should be removed for reuse before placing the files in the box. Do not over-pack—leave at least one inch of space inside the box to provide easy access to the records inside. Only one record series (type of record) and one range of years should be stored in a box.

Once a box is packed, attach the Records Center Box Label.

Preparing a Records Center Box Label

Complete one Records Center Box Label for each box that is being transferred to the Records Center. The labels can be obtained from the Records Coordinator.

How to locate records in the Records Center


It is important to inventory each box. The detail of the inventory will depend on the records being stored. At minimum, the inventory should contain the record series, titles, the beginning and ending dates of the records; and, if applicable, the beginning and ending contract, IFB, purchase order, requisition number, etc. It is important to list whatever is required to identify all records in a particular box.

How can records be retrieved?

Even though records are physically stored at the Records Center, they are still the property of your department or office and are readily accessible to the office that retired them. To arrange for retrieval of records, call the Records Coordinator, provide the box information and the Records Coordinator will be happy to pull the box for you. Department permission must be given for anyone else to review your files.

How do I determine which boxes may be destroyed?

Working in coordination with the Records Coordinator, periodically review files to determine which records can be destroyed. Only the current Records Retention Schedules may be used when destroying records. The Departments Records Liaison must complete a Records Destruction Request Form for all records meeting retention requirements, sign and forward it to the Records Coordinator in the City Clerk’s Office. Final approval for destruction must be given by the Records Coordinator. After approval has been given, the requesting department will be notified and necessary steps to destroy the record in accordance with the State approved Records Retention Schedule will be taken.

 Records Center Box Label		OFFICE USE ONLY	
		<table border="1"> <tr> <td style="text-align: center;">LOCATION CODE</td> </tr> <tr> <td style="text-align: center;">BOX #</td> </tr> </table>	
LOCATION CODE			
BOX #			
TODAY'S DATE:		DESTRUCTION DATE:	
RECORD SERIES TITLE (FROM RECORDS RETENTION SCHEDULE):			
DATE: FROM	THRU	BOX NO. ____ OF ____	
PREPARED BY:		DEPARTMENT:	

Most boxes will be destroyed without returning to the originating department, so it is important to provide complete and detailed information on the box label.

1. Today's date.
2. The Destruction Date field identifies when the contents of the box are to be destroyed. The total number of years the record is to be kept as it appears on the approved Retention Schedule determines the destruction date. If an extended retention period was granted (because of litigation, investigation, audit, etc.), contact the Records Coordinator to determine what date should be entered in this field.
3. The Record Series Title field refers to the type of record, or record series, being transferred or stored at the offsite facility. The name of the record series is to appear exactly as it appears on the Records Retention and Disposition Schedule. If the record does not appear on an approved Retention Schedule, contact the Records Coordinator before transferring the records to the records center.
4. The Date From field refers to the record in the box with the earliest date.
5. The Date Thru field refers to the record in the box with the latest date.
6. The Box No. "____ of ____" field is used to identify all boxes (1 of 3, 2 of 3, and 3 of 3) pertaining to a specific single case, file, or record, even if it refers to a single box (1 of 1).
7. The name of the person who prepared the form is entered in this field.
8. The name of the department where the record originated from.

After completing the Records Center Box Label, it is recommended that a copy be made and kept on file for future reference.

APPENDIX “D”: PUBLIC RECORDS REQUESTS

Arizona law grants broad rights to persons who want to inspect public records.

Public Records Laws

A.R.S. § 39-121.01.D.1 establishes that a required fee may be collected in advance if a citizen requests a copy of a record and that the records custodian shall “promptly furnish” such records. If a citizen requests copies of public records, the City may charge a reasonable fee for the copies and may require that the fee be paid in advance. There is no charge to view a public record, or to obtain a copy of a public record used in claims against the United States.

The public records laws are very important and often difficult to apply. The City strives to meet its obligations to the public under the law, while protecting City and individual legal interests, as allowed by law. The information below is general in nature and intended to give basic information about complying with public records laws. In any instance where a staff member has doubt about how to respond to a public records request, the City Attorney’s Office should be consulted.

General Guidelines

Any person may submit a request to examine or obtain a copy of public records during established regular office hours. Citizens who want to examine or obtain a copy of a public record should be directed to the custodian of records for the department responsible for maintaining the record. All requests should be furnished within three (3) business days unless the requestor is advised that additional time is needed.

Non-Commercial Requests

1. Any person may examine or be furnished copies, printouts, or photographs of any public record during regular office hours (7:00 a.m. – 6:00 p.m., Monday through Thursday, except holidays).

In some instances, requests for ***immediate*** inspection cannot be accommodated because the records are stored offsite, maintained in an electronic format, or require approval of the City Attorney before they can be released. Under these circumstances, it is important to obtain the document and/or required approval as quickly as possible to ensure compliance with State law.
2. To inspect and/or request copies, printouts, or photographs of public records, the person making a public records request must complete a Public Records Request Form and present it to the department that maintains the record. The form requires the requestor to be specific so that the record(s) can be easily identified and located. The Public Records Request Form is available to the public on the City’s website.
3. The City charges an amount per standard page (letter and legal size paper) approximately equal to the cost of reproducing the requested material (currently \$0.25 per page—double-sided documents are counted as two pages). Payment is required prior to receipt of the materials. Checks are to be made payable to the City of Maricopa.

Commercial Requests

1. There is a special section on the Public Records Request Form for record requests that are made for commercial purposes. A “commercial purpose” is defined as:

Use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of such names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body. (A.R.S. § 39-121.03 D)

2. Charges for a commercial request shall include:
 - a. A portion of the cost to the City for obtaining the original or copies of the documents, printout or photographs to be reproduced,
 - b. A reasonable fee for the cost of time, equipment, and personnel in making the copies, and
 - c. The value of the reproduction on the commercial market.
(Note: If a public records request is for commercial use, the City may charge the requestor the same amount for the copy of the public record that he or she would pay a private vendor for the same information or record. Commercial requests may require legal review and should be addressed on a case-by-case basis. For assistance with commercial records requests, please contact the Records Coordinator.)
3. If the requestor obtains records for a commercial purpose without indicating the commercial purpose, or if he or she obtains the records for a non-commercial purpose, and then uses or allows the use of the records for a commercial purpose, he or she will be liable for damages in the amount of three times what the City could have charged had it known the information would be used for a commercial purpose, plus costs and attorney fees [A.R.S. § 39-121.03(C)]. If a false statement is given, the requestor can also be guilty of a felony (A.R.S. § 39-161).

Duty to Disclose Public Records; Legal Exceptions

Any record created or received by the City of Maricopa is presumed to be public in nature and must be released to the public upon request. However, Arizona law permits denial of access to certain kinds of information if release of the information impinges on privacy interests, is confidential or would interfere with a legitimate government function.

Although the grounds for denying access to a public record may sound broad, they are actually quite narrow. In some instances, only parts of a document may qualify for protection, which is usually achieved by redacting the protected material and releasing the remainder of the document. In any case where there is doubt about whether information should be released in response to a public records request, the City Attorney’s Office should be consulted.

Some examples of what types of information can be withheld, based on the general classifications of protected information are:

1. Privacy. This includes personal and financial information relating to employees, such as birth date, social security number, age, home address, home telephone number, names of dependents, medical and insurance information, credit card numbers and information relating to bank accounts. The salary of an employee, however, is not protected from disclosure.

2. Confidentiality. Confidentiality is usually created by statutes, which make some subject matter or information confidential and not subject to disclosure. For example, the following information is made confidential by statute:

- Home address, home telephone number, or a photograph of an officer serving in an undercover capacity, or scheduled to serve in an undercover capacity within sixty days (A.R.S. § 39-124).
- Information relating to victims of crime, including home address and contact information. In all criminal cases where police reports are being released to the public, identifying information pertaining to the victim, with the exception of the victim's name, is to be redacted (A.R.S. § 13-4401 et seq.).
- Executive session minutes of the city council and other public bodies, such as city boards and commissions, are confidential and are not to be disclosed (A.R.S. § 38-431.03).

3. Interfering with a legitimate City function. The City is not required to disclose information when to do so would interfere with its ability to carry out legitimate government functions. Some examples are:

- Information received in response to requests for proposals for contracts until after the deadline for submission has been met.
- Draft versions of reports in progress, where the disclosure of the information might interfere with the validity or utility of the final report, or where the city council, rather than the public, is entitled to view the report first.
- Appraisal information relating to real estate that the City is attempting to sell or acquire.
- Information relating to legal negotiations.

Working Copies and Draft Documents

The Supreme Court ruled in the Lake v. City of Phoenix case that documents such as working copies and draft documents are subject to disclosure. Once the final document is released, working copies or drafts may not need to be retained and can be destroyed. However, if they are retained and a records request is received, those records are subject to disclosure.