City Recordkeeping and Disposal Policy Reviewed

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Brianna Gibbs/KMXT

In January the Kodiak City Council postponed the second reading of an ordinance that sought to clarify the exclusion of reference and transitory documents from the definition of city records. The ordinance drew a lot of public comment, and rather than vote it down, the council postponed the matter and asked for clarification on the ordinance at a future meeting. It took four months, but the clarification was finally given during last night’s city council work session. City Manager Aimée Kniaziowski explained, along with City Clerk Debra Marlar, what kind of documents the city is talking about.

-- (Work Session 1 :36 “So transitory documents like … end product would be the record.”)

Tom Klinkner is the attorney for the city and helped explain more of the history behind record definitions and why the city operates this way. He said there are two Alaska statutes that pertain to record laws – the State Records Management Act and the Public Records Act, which oddly enough define public records differently. The variation in these two statutes was the focal point of a state Supreme Court case two years ago.

During the Sarah Palin administration a citizen called into question the use of private cell phones to discuss government affairs. Klinkner said the court was forced to dissect the records statutes and determine whether or not the cell phone usage would qualify as public record.

-- (Work Session 2 :46 “In each case there is in the definition a laundry … records to preserve.”)

But then the question turns to what should be preserved in government, and for how long.

-- (Work Session 3 :43 “The best source of guidance for that in Alaska … historical activities .”)

He said it doesn’t state that items should be kept for forensic purposes. Basically, they shouldn’t be kept so that someone someday could go back and retrace every single step in a decision making process. Or, to simplify it even further, not every scrap of paper tied to every decision is kept.

-- (Work Session 4 :28 “And people often requesting public records … not public records.”)

City Clerk Debra Marlar said council members determine the retention and destruction schedule of records. She said they are always given a summary of what’s being destroyed and when. That information is also provided in an annual records report.

Back the ordinance that was postponed in January. Reference and transitory documents are the titles given to the scraps of paper, calendars or memos that float through the city offices on a daily basis. Current city code doesn’t define them as a public record, and neither does the state of Alaska. The ordinance

wasn’t adding or eliminating documents, it was actually just rewording the current code to make the fact that these items aren’t available more clear. Unfortunately, even that wasn’t clear. The clarification four months in the making will now revisit the council during a regular meeting sometime in May.