

RESOLUTION 2009-1

A RESOLUTION OF THE CITY OF SUGAR CITY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE CLASSIFICATION AND RETENTION OF CERTAIN PUBLIC RECORDS PURSUANT TO IDAHO CODE; PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, the Idaho Code allows for the classification, retention, preservation, and destruction of certain records as “permanent,” “semi-permanent,” and “temporary” records; and

WHEREAS, Idaho Code requires the City Council adopt by Resolution a records retention schedule listing the various types of City records and the retention period for each type of records; and

WHEREAS, the City has made a survey of all its records and has reviewed current Idaho Code regarding classification of records; and

WHEREAS, the City has determined that the records categorization, as set out in Idaho Code Section 50-907, is appropriate for the City to adopt, with some minor clarifications; and

WHEREAS, the City wishes to classify some writings, documents, and other similar City information as neither “permanent records,” “semi-permanent records,” or “temporary records” because they have no reasonable intrinsic, historical or other value which requires their retention; and

WHEREAS, the City Council is confident that the City Clerk and City Attorney (with the input of relevant City staff) can make determinations regarding those records not considered “permanent records,” “semi-permanent records,” or “temporary records,” as those terms are defined in Idaho Code Title 50, Chapter 9;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Sugar City, Idaho, as follows:

- I. Permanent Records:
 - A. The following records be classified as permanent records:
 - 1. Adopted meeting minutes of the City Council and city boards and commissions;
 - 2. City Council meeting agendas;
 - 3. Ordinances and resolutions;
 - 4. Building plans and specifications for commercial projects and government buildings;
 - 5. Fiscal year-end financial reports; published quarterly financial reports;
 - 6. Records affecting the title to real property or liens thereon;

7. Cemetery records;
8. Poll books, excluding optional duplicate poll books used to record that the elector has voted, tally books, sample ballots, campaign finance reports, declarations of candidacy, declarations of intent, notices of election, and records of voting results by precinct; and
9. Executed contracts.

B. Retention Schedule:

Permanent records shall be retained by the City in perpetuity, or may be transferred to the Idaho State Historical Society's permanent records repository upon Resolution of the City Council authorizing such transfer.

II. Semi-permanent Records:

A. The following records be classified as semi-permanent records:

1. Claims, canceled checks, warrants, duplicate warrants, purchase orders, vouchers, duplicate receipts, utility and other financial records;
2. Building applications for commercial projects and government buildings;
3. License applications;
4. Departmental reports;
5. Bonds and coupons; and
6. Financial records.

B. Retention Schedule:

Semi-permanent records shall be kept for not less than five (5) years after the date of issuance or completion of the matter contained within such semi-permanent record.

Semi-permanent records may only be destroyed by Resolution of the City Council, and upon the advice of the City Attorney. Such disposition shall be under the direction and supervision of the City Clerk. The Resolution ordering destruction of semi-permanent records shall list in detail such semi-permanent records to be destroyed.

Prior to destruction of semi-permanent records, the City Clerk shall provide written notice, including a detailed list of the semi-permanent records proposed for destruction, to the Idaho State Historical Society thirty (30) days prior to the destruction of any records.

III. Temporary Records:

A. The following records be classified as temporary records:

1. Building applications, plans, and specifications for noncommercial and non-government projects after the structure or project receives final inspection and approval;
2. Election ballots and duplicate poll books;
3. The most current draft of an unexecuted contract until such contract is executed; and
7. Records which are normally believed to be the subject of litigation discovery and determined to be so after consultation with the City Attorney.

B. Retention Schedule:

Temporary records shall be retained for not less than two (2) years, but in no event shall financial records be destroyed until completion of the City's financial audit as provided in Idaho Code Section 67-450B related to such financial records.

Temporary records may only be destroyed by resolution of the City Council, and upon the advice of the City Attorney. Such disposition shall be under the direction and supervision of the City Clerk. The resolution ordering destruction of temporary records shall list in detail such temporary records to be destroyed.


Prior to destruction of temporary records, the City Clerk shall provide written notice, including a detailed list of the temporary records proposed for destruction, to the Idaho State Historical Society thirty (30) days prior to the destruction of any records.

- IV. Writings, documents, and other similar City information not classified as "permanent records," "semi-permanent records," or "temporary records" herein shall be classified as "transitory records," which may be destroyed when no longer needed for the conduct of city business. Such "transitory records" include, but are not limited to, drafts, unapproved minutes, "post-it" notes, duplicates, phone call slips, voice mail, to-do lists, telephone text messages, appointment books, calendars, public records requests and e-mail which are not related to the promotion of the business of City government, etc. Writings, documents, and other similar City information which, in the reasonable belief of the recipient or custodian which do not have any historical, intrinsic or other value, and records which are not reasonably believed to be the subject of litigation discovery shall be considered "transitory records" for purposes of this records retention schedule.

Where there is a question regarding the classification of records or their retention, such questions should be directed to the City Clerk and/or the City Attorney prior to any destruction.

- V. This Resolution shall become effective as of the date of its passage.

UNANIMOUSLY APPROVED AND PASSED BY THE CITY COUNCIL
AND MAYOR THIS 12TH DAY OF FEBRUARY, 2009.



Glenn W. Dalling, Mayor

ATTEST:



Sharon L. Bell, City Clerk

(SEAL)