

Document Code No.: INF-15-7-EP

Title: Annexation Records Management Policy

Affected Departments: Executive Branch Departments

Authorities: RCW 40.14.060; RCW 40.16.010; WAC 434-662; WAC 434-663

Keywords: Annexation, Incorporations, Records Transfers

Sponsoring Department: Department of Executive Services, Records and Licensing Services Division

Executive signature: _____

Date signed: _____



King County

I. Purpose

This policy establishes a clear and consistent process that is both compliant with state and King County records retention requirements and provides service to the cities, towns or other public entities with which King County enters into Interlocal Agreements for annexations.

Applicability and Audience This policy applies to the Administrative Offices and Executive Departments supervised by the King County Executive.

II. Definitions

Annexation: the process by which an area becomes part of a city.

City: in this policy, the term "city," also refers to towns and special use districts.

Interlocal Agreement: a collaborative contract between public departments with the intent of cooperatively sharing resources for their mutual benefit.

King County Records Management: this is shorthand terminology referring to the Archives, Records Management and Mail Services Section (ARMMS) of the Records and Licensing Services Division of the Department of Executive Services. King County Records Management is King County government's central authority on records management practices.

King County Archives: King County Archives is the repository operated by King County where archival records are collected, preserved and made accessible to the public. The King County Archives is designated as the official repository of the County's archival records, (King County Code 2.12.035). Records transferred to the King County Archives become the property of the King County Archives.

Lifecycle: the life of the record from creation/receipt by King County through the legally required retention period, and until the destruction of the records, including the possible permanent retention of records identified as having enduring historical value by the King County Archivist.

Office of Performance, Strategy, and Budget (PSB): an organization within the King County Executive's Office that manages Performance, Strategic Planning, and Budget Planning for King County. Within this scope falls the negotiation of interlocal agreements for annexations.

Original Record: a complete document in the format it was originally created or received by the County. The first copy from which all others are transcribed, copied, or initiated.

Receiving City: the legal incorporated city that by interlocal agreement with the County agrees to receive into newly defined city limits a portion of geography and population that was prior to the interlocal agreement legally considered to be unincorporated King County.

Records Retention: this refers to the required period of time that a record must legally be kept as determined by the state approved retention schedules and related County policies and procedures.

III. Policy

A. Records Transfer and Access at the Time of Annexation

1. The County shall retain custody of all original records. As the designated custodian of the original records, the County shall be responsible for compliance with all requirements related to their retention and destruction. Copies of, or access to, originals shall be provided to the receiving city as requested.
 - a. Once it is known that an annexation is in progress, the Office of Performance Strategy and Budget staff person leading the annexation negotiation with the receiving city will work with the receiving city to determine which records series are of interest to the receiving city.
 - b. Those records that are of interest to the receiving city will be copied, or some other mechanism will be developed to provide a shared copy of the records with the receiving city. This is the responsibility of the department that created and manages the records.
 - c. The County shall maintain the original records for the entirety of the record's life cycle, which for some records series includes archival appraisal and transfer to King County Archives for permanent preservation, as is consistent with state retention requirements and County policy and procedures.
 - d. Requests for the copying and inspection of public records shall be the responsibility of the county department or city receiving the request. Requests made under the Public Records Act shall be processed in accordance with the provisions of RCW 42.56 and other applicable laws.
 - e. Records identified as confidential or privileged should be reviewed by the Prosecuting Attorney's Office prior to transfer. If confidential records are withheld from transfer, a list identifying the records withheld shall be provided to the receiving city as requested.
2. The department(s) that created and managed the records that are copied and provided or for which access is otherwise provided to the receiving entity shall also be responsible for documenting the records provided.

- a. The documentation shall be provided to PSB for inclusion with the signed Interlocal Agreement or other transfer agreement or instrument. The documentation should include a description of the records, the name of the staff person overseeing the transfer and the date the records were transferred to the receiving city.

B. Disposition of Records

1. Original records held by King County shall be dispositioned in accordance with state retention schedules and County policy and procedures.

- a. Once a record or record series has reached the end of its retention period, it should be destroyed unless:
 - i. there is an active legal hold in place that applies to the record(s);
 - ii. the record is designated as potentially archival, in which case an archival assessment transfer shall be initiated.

IV. Implementation Plan

- A. This policy becomes effective for Executive Branch departments on the date that it is signed by the Executive. This policy is not retroactive and applies only to annexations that become effective after this policy is signed by the Executive. The Department of Executive Services, Records and Licensing Services Division is responsible for implementation of this policy.
- B. The Public Records Committee and Department Records Officers are responsible for communicating this policy to the management structure within their respective departments and other appropriate parties.

V. Maintenance

- A. This policy will be maintained by the Records and Licensing Services Division's Archives, Records Management, and Mail Services Section (ARMMS), or its successor department.
- B. This policy will automatically expire five (5) years after its effective date. A new, revised, or renewed policy will be initiated by the Public Records Committee, working in concert with (ARMMS). A 4-year review schedule is planned to ensure that there is a policy review in process before the current policy expires in 5 years.

VI. Consequences for Noncompliance

Failure to comply with this policy may result in a number of consequences, including loss of valuable county archival records, a failure to comply with legal retention requirements, and an inability to respond as legally required to public records requests received. These legal risks carry with them risks of fines, fees or resulting legal actions. Individual employees who fail to

carry out the duties associated with compliance may have their failure to comply reflected in performance feedback.

Appendices: Template Notice of Records Transmitted to Receiving City