

**CITY OF MONROE**  
**RESOLUTION NO. 2024-008**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MONROE, WASHINGTON, ADOPTING EMAIL AND  
ELECTRONIC MESSAGE RETENTION POLICY NO. 2024-008

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WHEREAS, the City is required to retain public records for the periods and in the manner specified by state law, including Chapter 40.14 RCW, and by the applicable records retention schedules established by the Washington State Archivist; and

WHEREAS, public records may include email and electronic messages that are sent, received, or created on City devices and systems; and

WHEREAS, consistent with the applicable requirements of the Washington State Archivist, the City Council wishes to adopt a formal policy defining the retention periods and disposition requirements for emails and electronic messages that qualify as “public records” under Chapter 40.14 RCW, as well as establishing guidelines for the authorized use of electronic messaging and email by City employees and officials.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Adoption of Email and Electronic Message Retention Policy 2024-008. Email and Electronic Message Retention Policy 2024-008, establishing procedures related to the retention and disposition of email and electronic messages sent, received, or created on City devices and systems, is hereby adopted in the form and content provided in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Effective Date. This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this 14<sup>th</sup> day of May, 2024.

Resolution No. 2024-008  
Approved: 05/14/2024  
Effective: 05/14/2024

CITY OF MONROE, WASHINGTON:

  
Geoffrey Thomas (May 15, 2024 17:01 PDT)

Geoffrey Thomas, Mayor

ATTEST:

  
Jodi Wycoff (May 16, 2024 07:55 PDT)

Jodi Wycoff, City Clerk

APPROVED AS TO FORM:

  
Zach Lell (May 15, 2024 10:25 PDT)

J. Zachary Lell, City Attorney



**Administrative Policy**  
**Email & Electronic Message Retention Policy**  
**Policy Category: Operations**

**Policy Record**

Approval Date	Effective Date	
05/14/2024	05/14/2024	

<b>Last Review:</b>	<b>Policy Number:</b> 2024-008
<b>Next review:</b>	<b>Replaces:</b> n/a
	<b>Superseded By:</b>
<b>Policy Administrator:</b> City Administrator	

**Policy Statement**

The City of Monroe (hereinafter referred to as “City”) is subject to Chapters 40.14 RCW and 42.56 RCW, which provides for the preservation and destruction of “public records” as well as the public’s rights and abilities to access those records.

“Public records”, for the purpose of this policy, include all electronic records, emails, and electronic messages (including, but not limited to, Teams messages and text messages) that contain information relating to the conduct of the City, or the performance of any of the City’s governmental or proprietary functions, that are prepared, owned, used, or retained by the City. This may include records that are stored on personally-owned systems and devices.

All electronic records, emails, and electronic messages sent, received, or created on City devices and systems may be reviewed, audited, intercepted, accessed, and disclosed without employee authorization. City employees do not have any greater privacy interest in electronic records, email, or electronic messages on City devices and systems than they would in paper documents. Email and electronic messaging communications are considered “public records” in accordance with RCW 40.14 and 42.56 and as such, the City must enact associated policies and procedures to comply with these laws.

**Purpose**

The purpose of this policy is to establish retention periods for emails and electronic messages that qualify as City “public records”; and guidelines for authorized use of electronic messaging and email, training and review, and exceptions to this policy.

**Scope**

This policy applies to all emails and electronic messages—regardless of whether they were sent, received, or created on a personal or City-owned device or system— which pertain to the conduct of the City or the performance of any of the City’s governmental or proprietary functions, except those emails and electronic messages that are defined as “Judicial Records.”



## **Administrative Policy**

# **Email & Electronic Message Retention Policy**

### **Policy Category: Operations**

#### **Authorized Use of Email and Electronic Messaging for City Business**

City employees and elected/appointed officials shall only conduct substantive (non-transitory) City business via City devices and systems (as directed by the City of Monroe Electronic Media Policy and the City of Monroe Employee Handbook). The use of personal devices and systems (such as personal email accounts like Hotmail, Gmail, etc.) by City employees and elected/appointed officials for conducting any substantive (non-transitory) City business is prohibited.

If a City employee or elected/appointed official receives or sends an email or electronic message on a non-City device or system, which: (1) pertains to any governmental or proprietary function of the City and (2) was sent within the scope of their City employment, then the employee or elected/appointed official shall immediately forward the email or message to his/her City email account or otherwise preserve a copy of the record on a City device or system. This practice ensures that all “public records” are properly retained by the City.

#### **Judicial Records**

The City recognizes access to judiciary electronic records are governed under General Court Rule 31 and 31.1. Judicial branches is not subject to the Public Records Act. For Municipal Court records, General Court Rule 31.1 (k)(5) states “A person or entity entrusted by a judicial officer, court, or judicial agency with the storage and maintenance of its public records, whether part of a judicial agency or a third party, is not a judicial agency. Such person or agency may not respond to a request for access to administrative records, absent express written authority from the court or judicial agency or separate authority in court rule to grant access to the documents.”

#### **Email and Electronic Records Retention Policy**

The City has established the following guidelines for the proper retention and destruction of email and electronic records:

- Implementation of email and electronic messaging archiving systems to provide central storage and direct and ongoing access by authorized personnel to messages sent from or received by City email accounts.
- Creation of automated retention and destruction rules within the archiving systems.
- Establishment of set retention periods as follows:

##### City Employees

- Emails and electronic messages sent or received by City employees shall be retained for a period of seven (7) years based on the sent or received date of the message.
- City staff can delete emails and electronic messages sooner from their local account; however, records will remain in the archiving systems and subject to disclosure until the retention period is met.
- After seven years, on a rolling basis, emails will be deleted from City archiving systems unless a Legal Hold is issued pursuant to the criteria outlined in this policy.



## Administrative Policy

# Email & Electronic Message Retention Policy

### Policy Category: Operations

#### Elected/Appointed Officials and Legal Counsel

- All emails and electronic messages sent to and received on official City managed accounts by City elected or appointed officials, including Mayor, City Councilmembers, and board/commission/committee members, as well as the City's legal counsel, will be retained permanently except transitory records as defined in the State Retention Schedule which will follow the "Transitory Emails" retention rules as outlined below.
- Emails and electronic messages that meet certain retention criteria may be transferred to the State's digital archives or destroyed pursuant to the Washington State Retention Schedule.

#### Transitory Records

- "Transitory records," as defined in the State Retention Schedule, are those records that have minimal retention value and are typically of short-term, temporary informational use. Examples of transitory records include, but are not limited to, personal messages and announcements not related to official business; information only or duplicate copies; copies of publications; miscellaneous notices or memoranda of a general and non-continuing nature (meeting notices, reservations, confirmations); preliminary drafts of notes, letters, reports, worksheets which do not represent significant steps in the preparation of record documents; requests for routine information or forms.
- Transitory records may be deleted as soon as they are no longer needed for City business.
- Transitory records received via email or electronic messaging will be automatically deleted, on a rolling basis, thirty (30) days after receipt.
- The City Clerk's office will maintain a list of email addresses that regularly send emails that meet the definition of transitory records and add them to the retention rule in the archiving platform.
- The City Clerk's office will conduct regular audits looking for transitory email addresses and City employees are encouraged to notify the City Clerk's office of email addresses to be added to the list.

#### Method of Retention

All emails that qualify as "public records" must be retained in their native format for their approved records retention period (WAC 434-662-150). In order to comply with records management requirements and the Washington State Public Records Act (RCW 42.56) email and electronic messages that meet the definition of a "public record" must be stored within technology systems supported by the City. The City's email and electronic message archiving solution is considered the official system of record.



## Administrative Policy

# Email & Electronic Message Retention Policy

### Policy Category: Operations

#### Legal Hold Notices

City staff will be responsible for notifying the City Clerk or designee when a Legal Hold may be needed. The City Clerk or designee will evaluate the need for a Legal Hold. Emails and electronic messages will be retained until Legal Hold ends, and use metadata driven retention policies.

A Legal Hold Notice is issued by the City Clerk or designee for the following purposes:

- to provide notice that a lawsuit has been filed against the City or is “reasonably anticipated” in the future;
- to direct certain City staff to identify and locate records (paper, electronic, audio/video recordings, photographs and any other “writing” as that term is defined in the Public Records Act, chapter 42.56 RCW) pertaining to the pending lawsuit or anticipated litigation;
- to place a “hold” on such records so that routine destruction procedures are suspended, and
- to preserve new records generated or received after the Legal Hold Notice is given.

#### **Employee Responsibilities**

Retention of email and electronic messages depends on the purpose of the email. Retention periods are based on functional use of the information contained in each message. Employees should evaluate email and electronic messages sent, received, or created for record content. Emails and electronic messages that must be retained for longer than seven years based on the State Retention Schedule should be transferred/moved to a designated location.

If copies of emails or electronic messages are transferred to a location outside of the City’s archiving systems, employees are responsible for deleting the copies when they have met their retention unless they are deemed archival.

#### **Training and Policy Review**

Upon adoption of this policy, City employees and elected/appointed officials will attend training on this policy. New City employees and elected/appointed officials will be given training on this policy as part of their onboarding process; and this policy will be reviewed with employees and elected/appointed officials during other record-related trainings.

#### **Updates and Exceptions**

Requests for exceptions to this policy must be made in writing to the City Clerk and be approved by the requesting employee’s Department Director (if applicable) and IT Director and kept on file in the City Clerk’s office for the duration of the approved retention period.



## Administrative Policy Email & Electronic Message Retention Policy Policy Category: Operations

### References

#### *Secretary of State – Washington State Archives*

- Washington State Local Government Retention Schedules

#### *City of Monroe Policies*

- Public Records Act (PRA) Policy
- Email for Public Officials
- Electronic Media Policy
- Records Management Policy (DRAFT)

#### *Washington Administrative Code (WAC)*

WAC 434-662-040: Electronic records must be retained in electronic format and remain usable, searchable, retrievable, and authentic for the length of the designated retention period. Printing and retaining a hard copy is not a substitute for the electronic version unless approved by the applicable records committee.

*Note: This includes text and voice messages related to the conduct of City business.*

WAC 434-662-150 Email Management: Emails created and received by any agency of the State of Washington in the transaction of public business are public records for the purposes of RCW [40.14](#) and are subject to the laws and regulations governing the retention, disclosure, destruction and archiving of public records. The e-mails of all elected government officials and public employees that are created in the transaction of public business are subject to the records retention periods and disposition promulgated by the records committees, and any emails with archival value must be retained. Agencies may be relieved of the obligation to permanently retain archival email by transmitting email and all associated metadata to the digital archives pursuant to a transmittal agreement as provided for in WAC 434-662-090.

# Res 2024.008 - Adopting Email Retention Policy

Final Audit Report

2024-05-16

Created:	2024-05-15
By:	Jodi Wycoff (jwycoff@monroewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAna_8ggliYY54R_O6sACgmTz4odxEaCh

## "Res 2024.008 - Adopting Email Retention Policy" History

-  Document created by Jodi Wycoff (jwycoff@monroewa.gov)  
2024-05-15 - 4:41:48 PM GMT
-  Document emailed to Zach Lell (zlell@omwlaw.com) for signature  
2024-05-15 - 4:42:28 PM GMT
-  Email viewed by Zach Lell (zlell@omwlaw.com)  
2024-05-15 - 5:20:49 PM GMT
-  Document e-signed by Zach Lell (zlell@omwlaw.com)  
Signature Date: 2024-05-15 - 5:25:24 PM GMT - Time Source: server
-  Document emailed to Geoffrey Thomas (gthomas@monroewa.gov) for signature  
2024-05-15 - 5:25:26 PM GMT
-  Email viewed by Geoffrey Thomas (gthomas@monroewa.gov)  
2024-05-16 - 0:00:52 AM GMT
-  Document e-signed by Geoffrey Thomas (gthomas@monroewa.gov)  
Signature Date: 2024-05-16 - 0:01:05 AM GMT - Time Source: server
-  Document emailed to Jodi Wycoff (jwycoff@monroewa.gov) for signature  
2024-05-16 - 0:01:07 AM GMT
-  Email viewed by Jodi Wycoff (jwycoff@monroewa.gov)  
2024-05-16 - 2:55:47 PM GMT
-  Document e-signed by Jodi Wycoff (jwycoff@monroewa.gov)  
Signature Date: 2024-05-16 - 2:55:54 PM GMT - Time Source: server
-  Agreement completed.  
2024-05-16 - 2:55:54 PM GMT