



Report Issued

July 16, 2025

**Audit Report
No. 25-03**



**City of Cape Coral
City Auditor's Office**

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CITY CLERK RECORDS MANAGEMENT AUDIT

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TO: Mayor Gunter and Council Members
FROM: Andrea R. Russell, City Auditor *ARR*
DATE: July 16, 2025
SUBJECT: 25-03 City Clerk Records Management Audit

The City Auditor's Office conducted a performance audit of the City Clerk's Records Management Division. This audit is included in the City Auditor's FY25 approved Audit Plan. The audit was conducted in conformance with Generally Accepted Government Auditing Standards by the authority granted through City Ordinances 28-02 and 79-10.

We would like to express our sincere appreciation to the City Clerk, management, and staff for the courtesy, cooperation, and proactive attitude extended to the team members during the audit. If you have any questions or comments regarding this audit, please contact Andrea Russell at 242-3380 or Philip Toby 242-3381.

C: Michael Ilczyszyn, City Manager
Mark Mason, Assistant City Manager
Connie Barron, Assistant City Manager
Aleksandr Boksner, City Attorney
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Betty Castillo, Assistant City Clerk
Lynne Jennings, Records Manager
Sarah Evins, Special Projects Manager
Audit Committee

REPORT HIGHLIGHTS

City Clerk Records Management Audit

Issued July 16, 2025

Objectives

To determine if controls over the Public Records Request process are in place and effective to ensure efficient and timely delivery in accordance with Florida State Statutes, Administrative Regulations, and policy and procedures.

To determine if monitoring and oversight controls for records management are in place and effective to provide appropriate support to departments' records management, retention, and destruction practices.

To determine if the Records Liaison list is accurate and current.

To determine if invoices for extensive Public Records Requests are accurately calculated and payments are properly recorded.

Background

The City Clerk Records Management Division provides services to all City departments by storing records, maintaining an inventory of those records, and offering prompt retrieval for Public Records Requests (PRRs) from citizens, other governmental agencies, city staff, and City Council. They also provide vital records management and an archival program for preservation of City history.

WHY THIS MATTERS

Public records play a vital role in ensuring open and transparent government. Whether it is responding to information requests or preserving important documents, effective records management helps the City better serve its residents. Due to the City's decentralized system of records management, enhanced departmental oversight and recurring records management training is essential to help ensure that all staff understand the legal requirements, retention schedules, and proper handling of public records.

Timely and accurate responses to public records requests builds trust with the citizens, demonstrates accountability and enhances government transparency. At the same time, properly maintaining and storing records ensures important information is not lost, damaged, or overlooked. When records are disorganized or mishandled, delays, incomplete responses, and potential legal risks may result due to improper handling of records.

ACCOMPLISHMENTS

- During the scope of the audit, the Records Management Division processed over 18,800 PRRs
- On average, most PRRs are processed in less than two business days of the request.
- All PRRs selected for audit testing were processed without exception.
- The City Clerk, Records Manager, and Records Coordinators have the Florida Certified Records Manager certification.

WHAT WE FOUND

The City Auditor's Office conducted a performance audit of the City Clerk's Records Management Division (Records). This audit is included in the City Auditor's FY25 approved Audit Plan.

Records processes a substantial number of PRRs while also providing guidance and records storage to all City Departments. We identified opportunities for improvement to enhance employee records management training; provide additional departmental records assistance on records management; and ensure the Records Requests Administrative Regulation is updated according to established policies and procedures.

While opportunities for improvement were identified, we noted no material control deficiencies or instances of noncompliance with applicable regulations, policies, or procedures. Overall, the City Clerk's Department exhibits a high level of effectiveness in records management and processing of PRRs.

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Background

Florida's Public Records Law, codified in Florida State Statute (FSS) Chapter 119 enacted in 1909, requires that records created or received by public agencies in the course of official business be made available for public inspection, unless specifically exempted by the Florida Legislature. Additionally, Article I, Section 24(a) of the Florida Constitution, adopted in 1992, provides a constitutional guarantee of public access to government records. A public record is defined by FSS 119.011(12) as:

"...all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

Under this framework, the City Clerk serves as the official custodian of City records, maintaining the complete history of legal and administrative documents, such as by-laws, ordinances, resolutions, and articles of incorporation. The City Clerk ensures compliance with statutory public notice requirements for certain advertisements and communications; documents and certifies legislative actions; coordinates municipal elections; and provides support to boards, commissions, committees, and elected officials.



The City Clerk Records Division (Records) coordinates movement, maintenance, and destruction of departmental records stored at the offsite records storage facilities. For records held onsite at the departmental level, responsibility for the maintenance and destruction of those records resides with the individual departments. In addition to paper records, individual departments are accumulating more and more records in electronic form as processes are transitioned to electronic format.

Beyond records management, the City Clerk provides a range of additional administrative services including:



Records oversees the storage, archiving, and legal disposition of records in accordance with the State of Florida's General Records Schedule, GS1-SL (GS1). GS1 applies to state and local government agencies, defines minimum retention periods for common administrative documents, including correspondence, personnel files, payroll, financial, and legal records¹. The GS1 does not state specific maximum retention timeframes. Departments may choose to retain records longer than required.

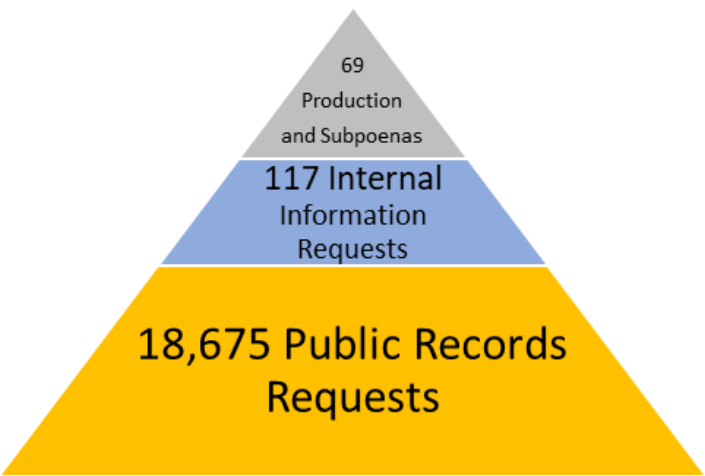


Records also manages processing of Public Records Requests (PRRs) from citizens, news media, and other governmental agencies. Records utilizes a web-based Records Management System (RMS) for PRRs that helps streamline the process of receiving, tracking, and fulfilling requests. Requests can be submitted online through the RMS, by phone, e-mail, postal mail, or in person. All PRRs are managed through the RMS.

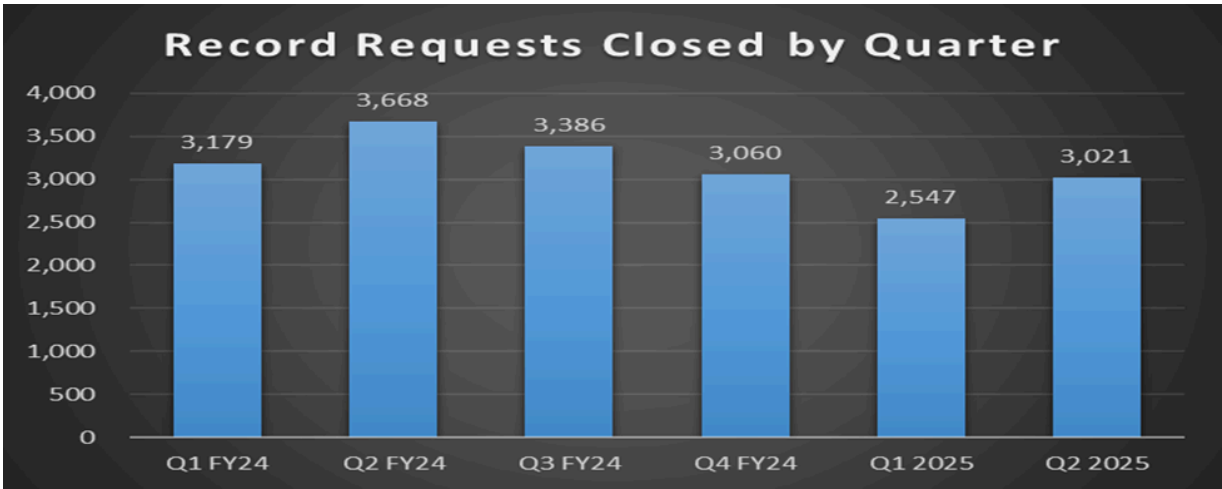


¹ There are several other GSs that apply to specific areas or departments. In addition to GS1-SL, the Cape Coral Police Department follows GS2. Utilities follows GS14.

During the scope of the audit, Records processed 18,861 records requests:



Records fulfilled an average of over 3,000 requests per quarter.



Records staff were able to fulfill PRRs and internal staff requests in under two business days. Requests for production and subpoenas are subject to additional review from the City’s legal department and require additional time to fulfill due to legal and court processes. Even so, Records staff were able to fulfill the 69 requests for production or subpoenas within an average of less than 18 business days each quarter during the audit scope.

Findings and Recommendations

FINDING 2025-01: Opportunities Exist for Enhanced Records Management Training and Departmental Support

Rank: Medium

Condition:

Records is responsible for implementing a comprehensive records management program. Records training is offered through the City's Learning Management System (LMS). Once the training is completed there is no requirement to re-take or review course information. Also, no additional training is required if a Liaison transfers to a different department.

Records developed a *Records Management Program Manual* that provides departmental guidance and includes procedures for maintenance, retention, storage, retrieval, and disposition of departmental records. The manual is maintained on an internal shared drive.

Public records exist in all City departments, and each department is responsible for the maintenance of those records. As part of the comprehensive records management program, Records coordinates movement, maintenance, and destruction of departmental records stored at the offsite records storage facilities. For records held onsite at the departmental level, responsibility for the maintenance and destruction of those records resides with the individual departments. In addition to paper records maintained in departments, individual departments are accumulating more and more records in electronic form as processes are transitioned to electronic format.

The State of Florida's Records Management Program, *Managing Florida's Public Records* manual (Manual) provides guidance and best practices to state and local government agencies for administration of records. The Manual notes that "electronic public records, just like paper records, must be created and maintained in accordance with Florida statutes and administrative rules." It also states that electronic records, like paper records, must be available for public inspection, kept according to retention rules, properly disposed of when no longer needed, and protected from unauthorized access to confidential or exempt information. The Manual further stresses the training of staff "who create, edit, store, retrieve or dispose of records" is very important for the proper management of electronic records. Florida's Records Management Program also provides various GSs to help state and local agencies manage public records retention. The GSs outline minimum retention periods for the numerous types of government records created. GS1-SL focuses on state and local governments and covers most records retention. Other GSs are tailored to certain departments, such as GS14 that focuses on Utilities records retention. Record holders may retain records for longer than the minimum guidelines which can result in maintaining obsolete records for an indefinite retention period.

Maintaining records indefinitely can create issues with physical and electronic storage space, as well as difficulty in locating records if needed.

Test Results

Department Meetings

We met with four department directors and three Liaisons to discuss their understanding of Liaison roles and responsibilities, including training received. Overall, our discussions identified:

Lack of departmental
records policies

Reliance on Records
Management staff
and program manual

Unclear roles and
responsibilities

Not all were aware of
General Records
Schedules

Desire for additional
records training

It was noted that new Liaisons are offered initial records training, but the training materials provide only a general overview of the records management process. Department directors and Liaisons expressed the desire for more comprehensive, recurring training that includes electronic records management and best practices. Enhanced training courses and materials with more comprehensive guidance that incorporates electronic records would provide staff with a better understanding of their records management responsibilities and expectations.

Records Request and Records Management Liaison List

Each Department has designated Liaisons that act as a bridge between the departments and Records to ensure public records are properly managed according to established policies and procedures. Liaisons also coordinate maintenance and disposal of departmental records and assist Records with PRRs to ensure compliance with FSSs and proper recordkeeping practices. Each Liaison is responsible to maintain the department's records inventory listing, including the applicable retention schedules in accordance with the appropriate GSs.

Records has created a roster of individuals that they consider Liaisons as well as individuals responsible for fulfilling PRRs in each department. The Records Manager intermittently updates the roster by e-mailing the various departments for staffing updates and when personnel change notifications are received from Human Resources.

Training

We compared the roster of Liaisons and individuals responsible for PRRs to a list of individuals who completed the records training to determine if everyone on the roster had taken the training and when they had taken it. Of the 61 individuals on the roster, we were unable to confirm if five (8%) had completed the training in the LMS.

According to the Manual, when involved with public records “we must remain educated and informed so that the decisions we make are consistent with laws and best practices.” Additionally, it is “highly recommended” as a best practice, that “personnel take advantage of the benefits of records management training.”

Records provides initial training for Liaisons through the LMS; however, implementing a more standardized approach to training and information dissemination would enable Records to operate more efficiently while minimizing confusion and the spread of misinformation. Records provides support and guidance when contacted by Liaisons, as well as updates via e-mail when there are changes to any records requirement.

Because records maintenance and PRRs fulfillment are decentralized, improving departmental oversight and offering a well-designed, regularly updated training program will help ensure that Liaisons understand legal requirements, retention schedules, and proper handling of public records. This, in turn, can reduce costs and minimize time-consuming searches for records.

Criteria:

- General Records Schedules
- Best Practices in *Managing Florida's Public Records*
- City Clerk *Records Management Program Manual*
- Records Request and Records Management Liaison List

Cause:

- Records Management training is not mandatory
- Records training is only offered once
- No “refresher” training
- Lack of department level policies for records management, including electronic records
- Limited oversight of decentralized responsibilities

Effect:

- Inconsistent and unclear roles and responsibilities for departmental records
- Inefficient management of records

Recommendations

2025-01a:

Develop policies and procedures to strengthen and formalize oversight and monitoring of departmental level records management, including:

- Defining roles and responsibilities*
- Identifying Liaisons and others responsible for maintaining records*
- Maintenance of records with an emphasis on taxonomy; and disposition of electronic records.*

Management Response and Corrective Action Plan:

2025-01a Select one of these boxes:

☒ **Agree** ☐ **Partially agree*** ☐ **Disagree***

***For partially agree or disagree a reason must be provided as part of your response.**

2025-01a

Records Manual to be updated to include defining the roles and responsibilities of all who handle public records as defined in FS 119; Note where to locate the list of already designated Records Liaisons throughout city departments; add language to point out that electronic records are managed exactly as paper records by way of the management and disposition of them. This manual will be distributed and assigned as part of city-wide training that will be mandatory for all employees in the City's LMS. Details on training will be added to the management plan in 2025-01b below. Records Liaisons will proceed to follow-up with their sub-divisions to ensure they are managing their records accordingly.

2025-01a

Management Action Plan Coordinator:
City Clerk

2025-01a

Anticipated Completion Date:
01/15/2026

Recommendations

2025-01b:

Enhance records training to be completed annually by all employees and tracked in the LMS with emphasis on electronic records management and destruction to be handled the same way as other records in accordance with public records laws.

Management Response and Corrective Action Plan:

2025-01b Select one of these boxes:

☒ **Agree** ☐ **Partially agree*** ☐ **Disagree***

***For partially agree or disagree a reason must be provided as part of your response.**

2025-01b

Assign training to enhance current records management training to be completed annually by all employees and tracked in the LMS. Department of State official training videos will be assigned in the City's LMS as mandatory. A 1-hour training will be assigned to all employees city-wide. A 4-hour training will be assigned to all Records Liaisons. I will also be conducting in-person questions and answers sessions with the Liaisons by groups. A copy of the Records Manual will be included as reading material and each employee will be required to attest to the fact, they acknowledge they have viewed the video and understand their responsibilities by way of managing public records. All new hires will be subsequently assigned the training as part of their on-boarding process. Trainings will be done annually each February.

2025-01b

Management Action Plan Coordinator:

City Clerk

2025-01b

Anticipated Completion Date:

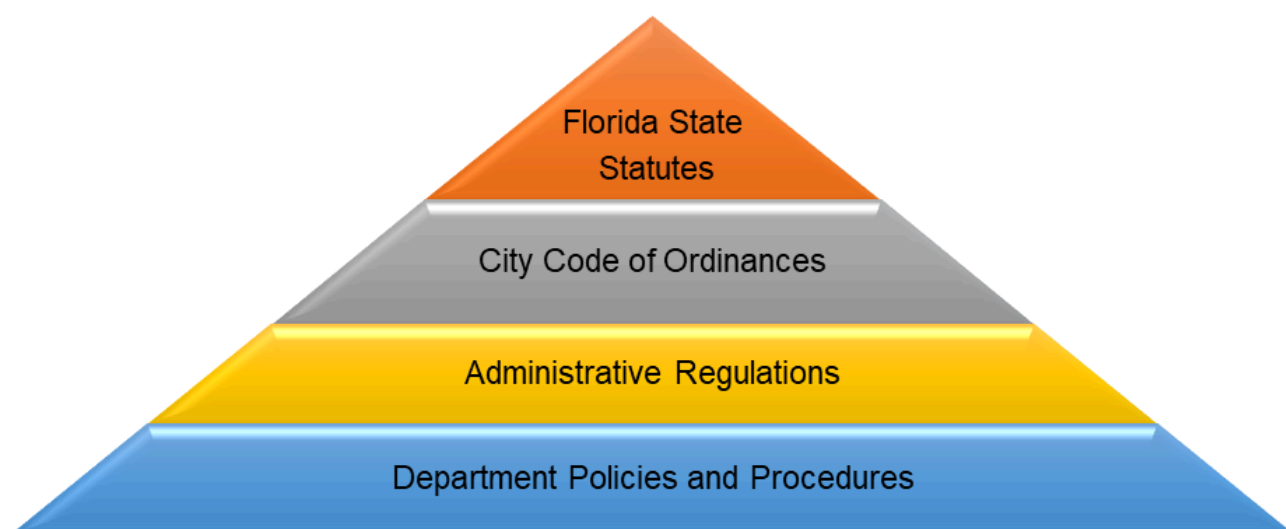
03/06/2026

FINDING 2025-02: Finalize Updates to Administrative Regulation 20, Public Records Requests

Rank: High

Condition:

The City uses Administrative Regulations (ARs) to set forth the policy and procedures for a given administrative subject that applies to all employees. ARs reside below legislative policy but above department rules. See hierarchy below:



The City Clerk is responsible for the development and updating of AR 20, Public Records Requests. AR 20 is designed to provide consistent and efficient procedures for responding to PRRs and defines the process for fees to cover the cost of responding to extensive requests. AR 20 has been effective since December 1, 2018. AR 20 was due for review in 2023, five years after the effective date. As part of the 24-01 Citywide Prior Audit Recommendations Follow Up Audit Recommendation 2024-06, we suggested updates to AR 20 to include changes made to the Records Manual. When an AR is scheduled for review, City Management now requires a comprehensive evaluation and update. These changes include more detail and definition than originally required by 2024-06. Due to the change in the AR update process, the audit recommendation remains open and has passed the original anticipated completion date of September 30, 2024. The AR review process can be time consuming because of the level of review performed and the involvement of numerous department directors, supervisors, and the unions. Updates of ARs should be completed in a timely manner to ensure departments are aware of important changes that could affect day-to-day functions within the city.

Criteria:

- AR 20
- 24-01 Prior Audit Recommendations Follow Up Audit
 - Finding 2024-06 Update Administrative Regulation 20 Public Records – Public Records Requests

Cause:

- AR update from audit delayed due to process changes and directive for more comprehensive updates
- Lengthy review process for updates

Effect:

- Potential noncompliance with laws and regulations
- Potential inefficient records management

Recommendation**2025-02:**

Finalize updates to AR 20 Public Records Requests, including any new criteria identified in the current process.

Management Response and Corrective Action Plan:

2025-02 Select one of these boxes:

☒ **Agree** ☐ **Partially agree*** ☐ **Disagree***

***For partially agree or disagree a reason must be provided as part of your response.**

2025-02

City Clerk to finalize updates to AR 20 now known as G-13 including any new criteria in the current process. Submit for City Manager's signature. Once signed, monitor to ensure posting on the City's internal business applications for required AR acknowledgments by City Staff.

2025-02

Management Action Plan Coordinator:
City Clerk

2025-02

Anticipated Completion Date:
09/30/2025

Scope

Based on the work performed during the planning phase and the assessment of risk, the audit covers the processes, policies, procedures, and controls for compliance with laws and regulations in place for FY24 and FY25 through March 31st. To evaluate the processes in place over records management, we reviewed policies and procedures, applicable laws and regulations, and discussed the process with Records personnel and department Liaisons.

Statement of Auditing Standards

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Methodology

In order to achieve the audit objectives and gain a better understanding of Records processes, we conducted interviews and walkthroughs with key staff in Records and held meetings with several department directors and department level Liaisons.

We also received a demonstration on the RMS used to receive, process, and respond to PRRs. Original records or copies, and various reports were used as evidence. Records management best practices were considered during testing to assist with identifying potential areas for improvement and ways to strengthen controls and processes. Sample size and selection were based on the CAO sampling methodology.

We tested a random sample of 60 PRRs and supporting documentation to determine compliance with laws, regulations, and policies and procedures. This testing also included a review of invoicing for extensive records requests.

We tested a random sample of 18 records to determine compliance with minimum retention requirements, policies and procedures, and disposal in accordance with applicable laws and policies and procedures.

We inquired with a sample of departments to determine if departmental records management policies and procedures exist, including electronic records management, and if they define retention schedules outside minimum requirements. We also inquired if training and monitoring are performed to ensure compliance with records management requirements and best practices.

Methodology (continued)

We evaluated the department Liaisons list to determine if the list is monitored, updated, and valid. We also reviewed training records from the LMS to determine if Liaisons receive relevant updated training.

To support the sample methodology described above to achieve the audit objectives, we discussed, obtained an understanding of, and observed the various software systems utilized by Records to obtain information. By doing this we deemed the data reliable for purposes of our audit objectives.

We also utilized data from the City's financial accounting system to verify invoicing for extensive requests. The financial accounting system is tested by the external auditors as part of the Annual Comprehensive Financial Report. Based on the results of their procedures, no additional data reliance testing was deemed necessary.

Unless specifically stated otherwise, based on our selection methods and testing of transactions and records, we believe that it is reasonable to project our results to the population and ultimately draw our conclusions for testing, findings, and recommendations on those results. Additionally, for proper context we have presented information concerning the value and/or size of the items selected for testing compared to the overall population and the value and/or size of the exceptions found in comparison to the items selected for testing.