

ORDINANCE NO. 12-1986

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF A RECORDS AND INFORMATION MANAGEMENT PROGRAM FOR THE CITY OF ABILENE, TEXAS; PROVIDING FOR THE PURPOSE OF A RECORDS AND INFORMATION MANAGEMENT PROGRAM; PROVIDING RECORDS MANAGEMENT DUTIES FOR THE CITY SECRETARY; PROVIDING OWNERSHIP OF MUNICIPAL RECORDS AND RESPONSIBILITIES OF OFFICERS AND EMPLOYEES WITH RESPECT THERETO; AUTHORIZING THE MICROPHOTOGRAPHY OF CITY RECORDS; PROVIDING PROVISIONS FOR MICROFORM INDICES, MICROGRAPHIC STANDARDS AND APPROPRIATE CERTIFICATION OF MICROFILMED RECORDS; PROVIDING FOR PUBLIC ACCESS TO PUBLIC MICROFORM RECORDS; PROVIDING FOR DESTRUCTION OF ORIGINAL MUNICIPAL PUBLIC RECORDS AND FOR OTHER MUNICIPAL RECORDS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Texas Revised Civil Statutes Annotated, Article 6574e, provides that any incorporated city may adopt an ordinance providing for the microphotography, destruction, or other disposition of public records; and,

WHEREAS, the City Council of the City of Abilene, Texas, passed the ordinance No. 887 on the 26th day of August 1976, authorizing the microfilming of the City of Abilene's records; and,

WHEREAS, the City Council of the City of Abilene, Texas, passed on the 11th day of April, 1985, a Records and Information Management Policy Statement, establishing the need for a Records and Information Management Program and to provide guidance and support for the development of such a long-term program; and,

WHEREAS, the City Council of the City of Abilene, Texas, desires to amend Ordinance No. 887 by adding certain sections thereto that will expand the scope of the ordinance to include the adoption of a Records and Information Management Program to provide guidance for the development of an on-going program. Such program to provide for the application of systematic analysis and scientific control of records creation, retention, retrieval, and the proper destruction of the City of Abilene's records; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 2, "Administration", of the Abilene Municipal Code be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.


PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PASSED ON FIRST READING this the 13th day of February, A.D., 1986.

PASSED ON SECOND AND FINAL READING this the 27th day of March, A.D. 1986.

This ordinance shall become effective immediately upon final passage thereof.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

Exhibit "A"

Section 2-2 "Microfilming records" be repealed.

That a new article, entitled Article IV "Records and Information Management Program" be added as follows:

SECTION 2-114. DEFINITION OF CITY RECORDS. All papers, books, reports, maps, plans, photographs, sound and video recordings, microform, magnetic or paper tape, or other documentary material regardless of physical form or characteristic, which have been or shall be created, received by any city office or department or its lawful successor, of officials thereof in pursuance of law or ordinance or in connection with the conduct, transaction, or performance of any business, duty, or function of public business, and preserved for any period of time by that department as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of this municipal government or because of the informational value of data in them, are hereby declared to be records of the City of Abilene. Said records shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner. Library and museum materials acquired solely for reference, exhibit, or display shall not constitute records for purposes of this ordinance. Other specific definitions of Records and Information Management terminology shall be provided in the appropriate policies and procedures of the program.

SECTION 2-115. CITY RECORDS DECLARED CITY PROPERTY. All city records as defined in Section 2-114 of this ordinance are hereby declared to be property of the City of Abilene. No city official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited. Provided, however, that City records exempted from public disclosure under State or federal law shall not be made subject to disclosure by their designation as City property under this section.

SECTION 2-116. POLICY AND PURPOSE. This ordinance shall be known and may be cited as the "Records and Information Management Ordinance for the City of Abilene, Texas." It is hereby declared to be the policy of the City of Abilene to develop a Records and Information Management Program that provides for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all city records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition.

SECTION 2-117. RECORDS AND INFORMATION MANAGEMENT RESPONSIBILITY ESTABLISHED. There is hereby established a Records and Information Management Program. The City Manager is responsible for directing and coordinating records management operations among the city offices and departments. The City Secretary shall administer the Records and Information Management Program and shall be responsible for city-wide files management and the direction and control of the City's records disposition program.

SECTION 2-118. DUTIES OF CITY SECRETARY. The City Secretary shall have the following duties, and others as assigned by the City Manager; however, duties assigned shall be limited to records management activities.

1. The organization, by cooperation of all City Departments' personnel, of a physical inventory of all City records.
2. The conduction of an appraisal process of all inventoried records.
3. The development of procedures and guidelines for utilization of microphotographic equipment.
4. The development and coordination of automated information systems.

5. Plan, formulate, and prescribe basic files management and records disposition policies, systems, standards, and procedures.
6. Prepare records retention and disposition schedules in cooperation with department heads for all City departments, define and identify vital and permanent records, and establish retention periods for all records.
7. Review schedules annually and update or amend as needed.
8. Coordinate the city-wide files management and records disposition programs and report same to the City Manager on program effectiveness in each City department.
9. Provide records management advice and assistance to all City offices and departments, by preparation of manuals of procedures and policies and by on-site consultation.
10. Develop, disseminate, and coordinate files maintenance and records disposition procedures, including but not limited to those prescribed by this ordinance, to meet the current and long-term information needs of the City.
11. Train departmental Records Officers and other personnel in the fundamentals of records management and their duties in the records management program.
12. Carry out, at the proper time, actions such as microphotography, destruction, and transfers that are required by records schedules.
13. Design and manage the operations of a records center for the low-cost storage of inactive records.
14. Control and procurement of and establish and monitor compliance with standards for filing and storage equipment and supplies in all city departments. Report to the City Manager failure of any officer or department to comply with standards. Keep careful records of savings in equipment, supplies, and staff costs realized by each department of the city through implementation of the records management program, including the amount of storage space and equipment released for other uses.
15. Develop a city-wide forms design and control system.
16. Establish in cooperation with other responsible city officials a disaster plan for each city office and department to insure maximum availability of records for re-establishing operations quickly and with minimum disruption and expense.
17. Develop procedures to insure the permanent preservation of the historically valuable records of the City.
18. Protect privacy and assure availability of public information from records stored in records center; bring to attention of City Manager any office not in compliance with laws or ordinances regarding public access to information or protection of privacy.

SECTION 2-119. RESPONSIBILITIES OF CITY DEPARTMENT HEADS. All city Department Heads are responsible for the implementation and operation of effective files operations, records transfers and dispositions, and other activities in accordance with the provisions of this ordinance within their areas of responsibility. They shall designate Records Officers within their offices and provide the City Secretary the names of such designees and of all file stations and files custodians under their supervision. Persons designated as Records Officers shall report directly to the head of their department on matters relating to the records management program and should have appropriate access to all files in their department.

SECTION 2-120. RESPONSIBILITIES OF RECORDS OFFICERS. The Records Officer in each office and department is responsible for providing coordination between the City Secretary and personnel in his/her office to ensure that provisions of this ordinance are followed. This responsibility shall include overseeing the application of records schedules within the

office or department.

SECTION 2-121. CITY OFFICES TO USE RECORDS SCHEDULES. All city offices and departments shall adopt records retention and disposition schedules and destroy, transfer, or otherwise dispose of records only according to such schedules.

SECTION 2-122. DEVELOPMENT OF RECORDS RETENTION AND DISPOSITION SCHEDULES. Initial retention periods to be included in records schedules shall be established by the Records Management Committee consisting of the following personnel: City Attorney, Assistant City Manager, City Secretary, Risk Manager, Internal Auditor, and various Department Heads. New record schedules and amended retention periods will be administered and approved pursuant to specific procedures developed by the City Secretary for such purposes.

When a records retention and disposition schedule is adopted, it shall thenceforth constitute full authority to destroy, transfer, microphotograph, or take other actions, and the City Council hereby directs that such action be taken by the City Secretary or under her supervision. The City Secretary shall notify the State Librarian of intended destruction, as required by law, but no further notice to the City Council or other city office shall be required.

SECTION 2-123. ONE-TIME DESTRUCTION OF OBSOLETE RECORDS. Prior to adoption of records schedules for an office, one-time destruction of accumulated obsolete records of that office may be made by or under the supervision of the City Secretary. Prior to such destruction the City Secretary shall submit lists of records to be destroyed to the Records Management Committee, who shall give notice within 10 working days of any records they believe should not be destroyed, and such records shall be retained for a period agreed upon. The City Secretary shall also submit notice as required by law to the State Librarian. Obsolete records shall include those no longer created by the office or department and no longer needed for administrative, legal, fiscal, or other research purposes.

SECTION 2-124. RECORDS CENTER. The Records Center operation shall utilize one or more buildings to store inactive records; to insure the security of such records from deterioration, theft, or damage during the period of storage; to permit fast, efficient retrieval of information from stored records.

SECTION 2-125. PRESERVATION OF PERMANENT RECORDS. The City Secretary shall develop procedures to insure the permanent preservation of the historically valuable records of the city. If city-owned facilities are not available, the City Secretary shall arrange for the transfer of the records to the Texas State Library for perpetual care and preservation in one of its nearby Regional Historical Resource Depositories, or shall make other arrangements for their permanent preservation not contrary to law or regulation.

SECTION 2-126. NON-CURRENT RECORDS NOT TO BE MAINTAINED IN OFFICE FILES. Records no longer required in the conduct of current business by any office of the city shall be promptly transferred to the Records Center or archives or the State Library, or be destroyed, at the time such action is designated on an approved records schedule. Such records shall not be maintained in current office files or equipment.

SECTION 2-127. MICROGRAPHICS PROGRAM ESTABLISHED. A coordinated micrographics program shall be designed and implemented by the City Secretary to serve all city offices and departments. No office or department shall operate a separate micrographics program, and no city funds may be expended to film, or to contract with a service company to film, any city records, except through the authorization of the City Secretary.

SECTION 2-128. RECORDS TO BE MICROPHOTOGRAPHED. The City Secretary shall determine how long the various records of the city could be stored before the cost of storage during their retention periods would exceed the cost of preserving them in microform. Records determined to be more economically stored on microform shall be microphotographed and, in addition, the City Secretary shall include the following types of records in the micrographics program.

(1) Those which the City Secretary determines are of historical value and whose preservation is best insured by microphotographing the records on archival quality film.

(2) Those which because of the nature of the information they contain are indispensable to the continued operations of an office and, therefore, should be microphotographed to provide a security copy.

(3) Those which because of high volume use require frequent and/or large numbers of copies to be made which could be made most efficiently or economically through microfilm.

SECTION 2-129. MICROGRAPHICS STANDARDS. Microfilm used for archival or security purposes as outlined in Sec. 2-128 must meet the technical standards for quality, density, resolution, and definition of the American National Standards Institute (formerly the United States of America Standards Institute) as required by law, except that microfilm intended only for short term use, the master negatives for archival or security purposes shall not be used for making use copies and, if deemed feasible by the City Secretary, shall be stored off-site under the environmental and security standards of the American National Standards Institute. Microform records must be indexed. The custodian of the records shall check and certify that a microform record is a true and accurate duplication of the original record and shall cause to be included as part of the microform record certification images to that effect.

SECTION 2-130. ACCESSIBILITY OF RECORDS ON MICROFORM. The public is hereby given identical access to records on microform to which they would be entitled under law if the records were in any other medium.

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