

ORDINANCE NO. 36-2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE REPLACING CHAPTER 2, "ADMINISTRATION", ARTICLE IV "RECORDS AND INFORMATION MANAGEMENT PROGRAM" OF THE ABILENE CODE OF ORDINANCES IN ITS ENTIRETY AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act) provides that a municipality must establish by ordinance an active and continuing records management program to be administered by a Records Management Officer; and

WHEREAS, the City of Abilene's current Records and Information Management Program is out of date and no longer relevant to the manner in which records are kept; and

WHEREAS, the City of Abilene desires to adopt an ordinance to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping;

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

PART 1: That Chapter 2, "Administration", Article IV "Records and Information Management Program" of the Code of Ordinances, City of Abilene, Texas, is hereby replaced as set out in Exhibit A, attached and made a part of this ordinance for all purposes.

PART 2: That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

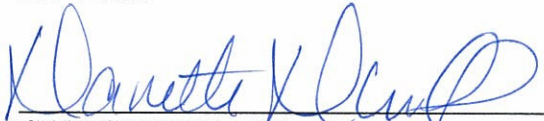
PASSED ON FIRST READING this 19th day of November, 2009.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on 17 day of November, 2009, the same being more than 24 hours prior to a public hearing being held in the

Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 3rd day of December, 2009,
to permit the public to be heard.


PASSED ON SECOND AND FINAL READING this 3rd day of December, 2009.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

ARTICLE IV. RECORDS AND INFORMATION MANAGEMENT PROGRAM

Sec. 2-114. DEFINITION CITY RECORDS. All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the city or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the city and shall be created, maintained, and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner.

SECTION 2-115. ADDITIONAL DEFINITIONS.

- (1) "City" means City of Abilene, Texas.
- (2) "Department head" means the officer who as set forth in this article or by administrative policy is in charge of an office of the city that creates or receives records.
- (3) "Essential record" means any record of the city necessary to the resumption or continuation of operations of the city in an emergency or disaster, to the recreation of the legal and financial status of the city or to the protection and fulfillment of obligations to the people of the state.
- (4) "Permanent record" means any record of the city for which the retention period on a records control schedule is given as permanent.
- (5) "Librarian" means the librarian of the Texas State Library.
- (6) "Policy" means Records Management policy created per Section 2-121 of this article.
- (7) "Records control schedule" means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the city, their retention periods, and other records disposition information that the records management program may require.
- (8) "Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the

management of micrographics and electronic and other records storage systems.

- (9) "Records liaison officers" mean the persons designated under Section 2-122 of this article.
- (10) "Records Management Committee" means the committee established in Section 2-120 of this article.
- (11) "Records Management Officer" means the person designated in Section 2-118 of this article or designee.
- (12) "Records Management Policy" means the policy developed under Section 2-121 of this article.
- (13) "Retention period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

SECTION 2-116. PURPOSE

The purpose of this article is to ensure the city provides for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipal records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act, as amended, and accepted records management practice.

SEC. 2-117. CITY RECORDS DECLARED CITY PROPERTY.

All city records 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 2-118. DESIGNATION OF RECORDS MANAGEMENT OFFICER.

The City Secretary or designee shall serve as Records Management Officer for the city. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of being sworn into office.

SEC. 2-119. DUTIES OF THE RECORDS MANAGEMENT OFFICER.

The Records Management Officer shall have the following duties;

- (1) Organize, by cooperation of all city departments' personnel, a physical inventory of all city records.
- (2) Conduct an appraisal process of all inventoried records.
- (3) Develop procedures and guidelines for utilization of microphotographic equipment.
- (4) Develop and coordinate 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 disposition schedules annually and update or amend as needed.
- (8) Coordinate and be responsible for the city-wide files management and records disposition programs.
- (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 article, 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 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, procure, establish and monitor compliance with standards for filing and storage equipment and supplies in all city departments. Keep careful records of savings in equipment, supplies, and staff costs realized by each

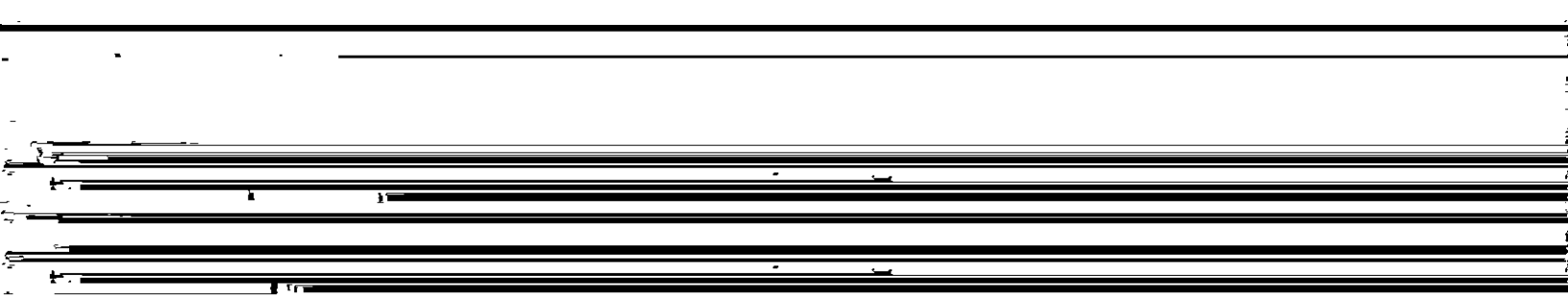
department of the city through implementation of the records management program, including the amount of storage space and equipment released for other uses.

- (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 ensure maximum availability of records for re-establishing operations quickly and with minimum disruption and expense.
- (17) Develop procedures to ensure 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.
- (19) Administer the records and information management program.
- (20) Update the policy as necessary.
- (21) Carry out the duties found in the policy.

SECTION 2-120. ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES.

A Records Management Committee consisting of the City Secretary, Assistant City Secretary, City Attorney or designee, Records Inventory Specialist, City Manager or designee and Record custodian of the City Police and Fire departments is hereby established. The committee shall:

- (1) Assist the Records Management Officer in the development of policies and procedures governing the records management program;
- (2) Review the performance of the program on a regular basis and propose changes and improvements if needed;
- (3) Review and approve records control schedules submitted by the Records Management Officer; and
- (4) Actively support and promote the records management program throughout the City.



**SECTION 2-123. RECORDS CONTROL SCHEDULES TO BE DEVELOPED;
APPROVAL; FILING WITH STATE.**

- A. The Records Management Officer, in cooperation with department heads and Records Liaison Officers, shall prepare records control schedules on a department by department basis listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of Municipal records as the policy may require.
- B. Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the city.
- C. A records control schedule or amended schedule for a department must be approved by the department head, the City Attorney and the Records Management Officer.
- D. The initial records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian.

**SECTION 2-124. IMPLEMENTATION OF RECORDS CONTROL SCHEDULES;
DESTRUCTION OF RECORDS UNDER SCHEDULE.**

- A. A records control schedule for a department that has been approved and adopted under Section 2-123 shall be implemented by Records Liaison Officers according to the policies and procedures of the policy.
- B. A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending law suit, or the department head requests
- C. in writing to the Records Management Committee that the record be retained for an additional period.
- D. Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer and City Attorney.

SEC. 2-125. RECORDS CENTER.

A records center, developed pursuant to the policy, shall be under the direct control and supervision of the Records Management Officer. Policies and procedures regulating the operations and use of the records center shall be contained in the policy developed under Section 2-121 of this article.

SEC. 2-126. NONCURRENT RECORD 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 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.