



City of Saginaw

City of Saginaw

Meeting Date: 04/05/2016

Staff Contact: Janice England
City Secretary

Agenda Item: 4c
(CC-0416-03)

E-mail: jengland@saginawtx.org

Phone: 817-230-0327

SUBJECT: Action regarding Adoption of Texas State Library and Archives Commission Records Retention Schedules

BACKGROUND/DISCUSSION:

In December of 1990, the City Council approved Ordinance No. 90-10 establishing a records management program. The purpose of this program was to comply with the Texas Local Government Records Act. The program designated the City Secretary to be the Records Management Officer, and it set forth policies and procedures to be used in addressing the records of the City. At that time a records consultant company was hired to assist city staff with identifying and scheduling records for storage and/or destruction. They prepared retention schedules based on the records at that time and submitted those schedules to the State for approval. Since those schedules were approved, every time we process records we must review our approved schedules as well as the State schedules to determine the retention period. After doing some research on the schedules and contacting our representative at the Texas State Library and Archives Commission, it is recommended that we adopt the State records retention schedules. This will make our records management program easier to administer while complying with the requirements of the State.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of the adoption of the Texas State Library and Archives Commission Records Retention Schedules.

Attachments

Ordinance No. 1990-10

CITY OF SAGINAW ORDINANCE NO. 90-10

AN ORDINANCE ESTABLISHING A RECORDS MANAGEMENT PROGRAM FOR THE CITY OF SAGINAW, TEXAS, PURSUANT TO AND IN CONFORMITY WITH THE TEXAS LOCAL GOVERNMENT RECORDS ACT.

WHEREAS, Title 6, Subtitle C, of the Texas Local Government Code, and known as the Texas 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 Saginaw, Texas, desires to adopt this ordinance for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interest of cost-effective and efficient record keeping; NOW, THEREFORE:

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

SECTION 1. DEFINITION OF MUNICIPAL (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 of Saginaw, Texas, 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 of Saginaw, Texas, and 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.

SECTION 2. ADDITIONAL DEFINITIONS.

(1) "Department head" means the officer who by ordinance, order or administrative policy is in charge of an office of the City of Saginaw, Texas, that creates or receives records.

(2) "Essential record" means any record of the City of Saginaw, Texas, necessary to the resumption or continuation of the said City of Saginaw in an emergency or disaster, to the re-creation of the legal and financial status of the City of Saginaw, Texas, or to the protection and fulfillment of obligations to the people of the state.

(3) "Permanent record" means any record of the City of Saginaw, Texas, for which the retention period on a records control schedule is given as permanent.

(4) "Records control schedule" means a document prepared by or

under the authority of the Records Management Officer listing the records maintained by the City of Saginaw, Texas, their retention periods, and other records disposition information that the records management program may require.

(5) "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 record keeping. 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.

(6) "Records liaison officers" mean the persons designated under Section 9 of this ordinance as such.

(7) "Records management officer" means the person designated in Section 5 of this ordinance.

(8) "Records management plan" means the plan developed under Section 6 of this ordinance.

(9) "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 3. CITY OF SAGINAW, TEXAS, RECORDS DECLARED PUBLIC PROPERTY. All municipal or city records as defined in Sec. 1 of this ordinance are hereby declared to be the property of the City of Saginaw, Texas. No municipal or 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.

SECTION 4. POLICY. It is hereby declared to be the policy of the City of Saginaw, Texas, to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use and disposition of all municipal and city 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 and accepted records management practice.

SECTION 5. DESIGNATION OF RECORDS MANAGEMENT OFFICER. The City Secretary, and the successive holders of said office, shall serve

as records Management Officer for the City of Saginaw, Texas. 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 taking up the office, as applicable.

SECTION 6. A RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN, AUTHORITY OF PLAN.

(1) The Records Management Officer shall develop a records management plan for the City of Saginaw, Texas, for submission to the City Council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of record keeping, to adequately protect the essential records of the City, and to properly preserve those records of the City that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this ordinance effectively.

(2) Once approved by the City Council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the City of Saginaw, Texas, and records shall be created, maintained, stored, microfilmed, etc., according to it.

(3) State law relating to the duties, other responsibilities, or record keeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this ordinance and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the City of Saginaw, Texas.

SECTION 7. DUTIES OF RECORDS MANAGEMENT OFFICER. In addition to other duties assigned in this ordinance, the Records Management Officer shall:

(1) administer the records management program and provide assistance to department heads in its implementation;

(2) plan, formulate, and prescribe records disposition policies, systems, standards and procedures;

(3) in cooperation with department heads identify essential records and establish a disaster plan for each municipal or city office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;

(4) develop procedures to ensure the permanent preservation of the historically valuable records of the city;

(5) establish standards for filing and storage equipment and

for record keeping supplies;

(6) study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the City of Saginaw, Texas;

(7) provide records management advice and assistance to all city departments by preparation of a manual or manuals of procedure and policy and by on-site consultation;

(8) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the City's control schedules are in compliance with state regulations;

(9) disseminate to the City Council and department heads information concerning state laws and administrative rules relating to local government records;

(10) instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;

(11) direct Records Liaison Officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this ordinance;

(12) ensure that the maintenance, preservation, microfilming, destruction or other disposition of municipal and city records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

(13) maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

(14) report annually to the City Council on the implementation of the records management plan in each department of the City, including summaries of the statistical and fiscal data compiled under Subsection (13); and

(15) bring to the attention of the City Council non-compliance by department heads or other city personnel with the policies and procedures of the records management program or the Local Government Act.

SECTION 8. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS. In addition to other duties assigned in this ordinance, department heads shall;

(1) cooperate with the Records Management Officer in carrying out the policies and procedures established in the City of Saginaw, Texas, for the efficient and economical management of the records and in carrying out the requirements of this ordinance;

(2) adequately document the transaction of government business and the services, programs and duties for which the department head and his or her staff are responsible; and

(3) keep the records in his or her care and carry out their preservation, microfilming, destruction or other disposition only in accordance with the policies and procedures of the records management program of the City of Saginaw, Texas, and the requirements of this ordinance.

SECTION 9. DESIGNATION OF RECORDS LIAISON OFFICERS. Each department head shall designate a member of his or her staff to serve as Records Liaison Officer for the implementation of the records management program in the department. If the Records Management Officer determines that in the best interest of the records management program more than one Records Liaison Officer should be designated for a department, the department head shall designate the number of Records Liaison Officers specified by the Records Management Officer. Persons designated as Records Liaison Officers shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the City of Saginaw maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as a Records Liaison Officer, the department head shall promptly designate another person to fill the vacancy. A department head may serve as Records Liaison Officer for his or her department.

SECTION 10. DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON OFFICERS. In addition to other duties assigned in this ordinance, Records Liaison Officers shall:

(1) conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;

(2) in cooperation with the Records Management Officer coordinate and implement the policies and procedures of the records management program in their departments; and

(3) disseminate information to department staff concerning the records management program.

SECTION 11. RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE.

(1) 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 and city records as the records management plan may require.

(2) 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 record keeping procedures and needs of the department and the records management program of the City of Saginaw, Texas;

(3) Before its adoption a records control schedule or amended schedule for a department must be approved by the department head, the City Attorney and the City Finance Director.

(4) Before its adoption a 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 12. IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE.

(1) A records control schedule for a department that has been approved and adopted under Section 6 shall be implemented by department head and Records Liaison Officers according to the policies and procedures of the records management plan.

(2) 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 in writing to the Records Management Officer that the record be retained for an additional period.

(3) 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 from the City Attorney and the City Finance Director.

SECTION 13. DESTRUCTION OF UNSCHEDULED RECORDS. A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.

SECTION 14. RECORDS CENTER. A records center, developed pursu-

ant to the plan required by Section 6, 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 records management plan developed under Section 6.

SECTION 15. EFFECTIVE DATE OF ORDINANCE. This ordinance shall be in full force and effect immediately upon its adoption and approval.

ADOPTED AND APPROVED on this 4th day of December, 1990.

APPROVED:

Bill Flippo
Bill Flippo, Mayor of the City of
Saginaw, Texas

ATTEST:

Nelda Mays
Nelda Mays, City Secretary

APPROVED AS TO LEGALITY AND FORM:

Clyde M. Marshall
Clyde M. Marshall, City Attorney