

ORDINANCE NUMBER 2011-6

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS ESTABLISHING A RECORDS MANAGEMENT PROGRAM DESIGNATING A RECORDS MANAGEMENT OFFICER AND PROVIDING FOR THE DEVELOPMENT OF A RECORDS MANAGEMENT PLAN AS REQUIRED UNDER THE TEXAS LOCAL GOVERNMENT RECORDS ACT.

WHEREAS Title 6, Subtitle C, Chapter 201, et. seq.; Local Government Code (Local Government Records Act) (the “Act”) provides that a municipality must establish by ordinance an active and continuing records management program to be administered by a Records Management Officer as defined in the Act; and

Whereas The City of Santa Clara (the City) desires to add a adopt an ordinance for that purpose and to prescribe policies and procedures consistent with the Act and in the interests of cost effective and efficient recordkeeping;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS, THAT:

SECTION 1

THAT, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City records or records of the city means 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. City records shall be created, maintained and disposed of in accordance with this article or procedures authorized by this article and in no other manner.

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 re-creation of the legal and financial status of the city or to the protection and fulfillment of obligations to the people of the state.

Permanent record means any record of the city for which the retention period on a records control schedule is given as permanent.

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.

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 micrographic and electronic and other records storage systems.

Records management officer means the person designated in herein.

Records management plan means the plan developed herein.

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

1. Policy

It is declared to be the policy of the city to provide for efficient, economical and effective controls over the creation, distribution, organization, maintenance, use and the disposition of all 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 Local Government Code § 201.001 et seq. and accepted records management practice.

2. City records declared city property.

All city records are declared to be the property of the city. No city official or employee has, by virtue of his position, any personal or property right to such records, even though he may have developed or compiled them. The unauthorized destruction, removal from files or use of such records is prohibited.

3. Records management officer designated.

The city secretary or their designated representative and the successive holders of such office shall serve as records management officer. As provided by state law, each successive holder of the office shall file his name with the director and librarian of the state library within 30 days of the initial designation or of taking up the office, as applicable.

4. 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;
- (2) Plan, formulate and prescribe records disposition policies, systems, standards and procedures;
- (3) Identify essential records and establish a disaster plan for each city office and department to ensure maximum availability of the records in order to reestablish 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 recordkeeping supplies;
- (6) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the city;
- (7) Provide records management advice and assistance to all city departments by preparation of a manual of procedure and policy and onsite consultation;
- (8) Monitor records retention schedules and administrative rules issued by the state library and archives commission to determine if the records management program and the city records control schedules are in compliance with state regulations;
- (9) Disseminate to the city council and appropriate city staff information concerning state laws and administrative rules relating to the local government records;
- (10) Instruct other personnel in policies and procedures of the records management plan and their duties in the records management program;
- (11) Direct personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this article;
- (12) Ensure that the maintenance, preservation, microfilming, destruction or other disposition of the 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 city department, including summaries of the statistical and fiscal data compiled under subsection (13) above.

5. Records center.

A records center, developed pursuant to the plan required herein, 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 herein.

6. Records management plan.

(a) The records management officer shall develop a records management plan for the city for submission to the city council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, 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 effectively carry out his duties as prescribed by state law and this article.

(b) 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, and records shall be created, maintained, stored, microfilmed or disposed of in accordance with the plan.

7. Development, approval and filing of records control schedules.

(a) The records management officer shall prepare records control schedules on a department-by-department basis by 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 city records as the records management plan 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) Before its adoption, a records control schedule or amended schedule for a department must be approved by the city council.

(d) 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.

8. Implementation of records control schedules; destruction of records under schedule.

(a) A records control schedule that has been approved and adopted under herein shall be implemented according to the policies and procedures of the records management plan.

(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 records management officer requests in writing that the record be retained for an additional period.

(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained from the records management officer.

9. Destruction of unscheduled records.

A city record that has not 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.

10. Micrographics.

Unless a micrographics program in a department is specifically exempted by order of the city council, all microfilming of records will be centralized and under the direct supervision of the records management officer. The records management plan will establish policies and procedures for the microfilming of the city records, including policies to ensure that all microfilming is done in accordance with standards and procedures for the microfilming of local government records established in rules of the state library and archives commission. The plan will also establish criteria for determining the eligibility of records for microfilming and protocols for ensuring that a microfilming program that is exempted from the centralized operations is, nevertheless, subject to periodic review by the records management officer as to cost effectiveness, administrative efficiency and compliance with state library and archives commission rules.

PASSED AND APPROVED this 21st day of November, 2011

Jeff Hunt, Mayor

ATTEST:

Amie Bendal, City Secretary