

ORDINANCE NO. 2714

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF A RECORDS MANAGEMENT PROGRAM; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

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

WHEREAS, the City of Mesquite desires to pass an 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 recordkeeping;

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

SECTION 1. That the City Council of the City of Mesquite, Texas, does hereby establish and adopt a program for the orderly and efficient retention, retrieval and destruction of the records of the City of Mesquite, Texas.

SECTION 2. DEFINITION OF CITY RECORDS. Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, 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 Mesquite or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business is hereby declared to be a record of the City of Mesquite 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. The term does not include:

- (a) extra identical copies of documents created only for convenience of reference or research by officers for employees of the city;
- (b) notes, journals, diaries, and similar documents created by an officer or employee of the city for the officer's or employee's personal convenience;
- (c) blank forms;
- (d) stocks of publication;
- (e) library and museum materials acquired solely for the purposes of reference or display;
- (f) copies of documents or any media furnished to members of the public to which they are entitled under Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), or other state law.

SECTION 3. ADDITIONAL DEFINITIONS.

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

(b) "Director and librarian" means the executive and administrative officer of the Texas State Library and Archives Commission.

(c) "Electronic storage" means the maintenance of local government record data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk, or similar machine - readable medium.

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

(e) "Microfilm" means roll microfilm, microfiche, and all other formats produced by any method of microphotography or other means of miniaturization on film.

(f) "Microfilming" means the methods, procedures, and processes used to produce roll microfilm, microfiche, or other microphotographic formats.

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

(h) "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 Mesquite, their retention periods, and other records disposition information that the records management program may require.

(i) "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.

(j) "Records liaison officers" mean the persons designated under Section 11 of this ordinance.

(k) "Records management committee" means the committee established in Section 7 of this ordinance.

(l) "Records management officer" means the person designated in Section 6 of this ordinance.

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

(n) "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.

(o) "Source document" means the local government record from which local government record data is obtained for electronic storage. The term does not include back up copies of the data in any media generated from electronic storage.

SECTION 4. RECORDS DECLARED CITY PROPERTY. All city records as defined in Section 2 of this ordinance are hereby declared to be the property of the City of Mesquite. 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.

SECTION 5. POLICY. It is hereby declared to be the policy of the City of Mesquite to provide 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, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

SECTION 6. 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 Mesquite. 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 7. ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES. A Records Management Committee consisting of the Records Management Officer, an Assistant City Manager, an attorney from the City Attorney's Office and the Director of Finance is hereby established. The committee shall:

- (a) assist the Records Management Officer in the development of policies and procedures governing the records management program;
- (b) review the performance of the program on a regular basis and propose changes and improvements if needed;
- (c) review and approve records control schedules submitted by the Records Management Officer;
- (d) give final approval to the destruction of records in accordance with approved records control schedules; and
- (e) actively support and promote the records management program throughout the City of Mesquite.

SECTION 8. RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN.

(a) The Records Management Officer and the Records Management Committee shall develop a records management plan for the City of Mesquite 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 carry out his or her duties prescribed by state law and this ordinance effectively.

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

(c) State law relating to the duties, other responsibilities, or recordkeeping 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 Mesquite.

~~000659~~

~~000661~~
~~000662~~

00060

Page 4

SECTION 9. DUTIES OF RECORDS MANAGEMENT OFFICER. In addition to other duties assigned in this ordinance, the Records Management Officer shall:

- (a) administer the records management program and provide assistance to department heads in its implementation;
- (b) plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (c) in cooperation with department heads identify essential records and establish a disaster plan for each city office and department to insure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- (d) develop procedures to insure the permanent preservation of the historically valuable records of the city;
- (e) provide advice and assistance to all city departments in all areas of records management, including active records maintenance, transfer and disposition; filing systems and equipment;
- (f) 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 records control schedules are in compliance with state regulations;
- (g) disseminate to the City Council and department heads information concerning state laws and administrative rules relating to city records;
- (h) instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;
- (i) 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;
- (j) insure that the maintenance, preservation, microfilming, destruction, or other disposition of city records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (k) report annually to the City Council on the status and effectiveness of the records management program; and
- (l) bring to the attention of the City Manager non-compliance by department heads or other city personnel with the policies and procedures of the records management program of the Local Government Records Act.

SECTION 10. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS. In addition to other duties assigned in this ordinance, department heads shall:

- (a) cooperate with the Records Management Officer in carrying out the policies and procedures established by the city for the efficient and economical management of records and in carrying out the requirements of this ordinance;
- (b) 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

(c) maintain 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 Mesquite and the requirements of this ordinance.

SECTION 11. 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 Mesquite 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 12. DUTIES AND RESPONSIBILITY OF RECORDS LIAISON OFFICERS. In addition to other duties assigned in this ordinance, Records Liaison Officers shall:

- (a) conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;
- (b) in cooperation with the Records Management Officer, coordinate and implement the policies and procedures of the records management program in their departments; and
- (c) disseminate information to department staff concerning the records management program.

SECTION 13. 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 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 insure 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 of Mesquite.

(c) A records control schedule or amended schedule for a department must be approved by the department head and adopted by a majority vote of the members of the Records Management Committee.

(d) Before implementation, a records control schedule or amended 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 14. 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 13 shall be implemented by department heads and Records Liaison Officers 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 records is pertinent to a pending law suit, or the department head requests in writing to the Records Management Committee 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 by the Records Management Officer from the department head and through a majority vote of the Records Management Committee.

SECTION 15. 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 16. RECORDS CENTER. A records center, developed pursuant to the plan required by Section 8, 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 8.

SECTION 17. MICROFILMING OF RECORDS. The records management plan will establish policies and procedures for microfilming of city records, including policies to insure that all microfilming is done in accordance with standards and procedures for the microfilming of local government records established by the Texas State Library and Archives Commission.

SECTION 18. ELECTRONIC STORAGE OF RECORDS. The records management plan will establish policies and procedures regulating the electronic storage of city records, including policies to insure that the electronic storage of city records is done in accordance with standards and procedures established by the Texas State Library and Archives Commission.

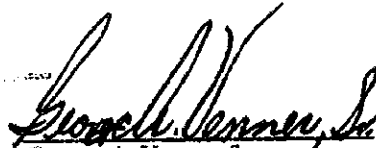
SECTION 19. That the City Secretary is directed to file a copy of this ordinance with the director and librarian prior to January 1, 1991, in accordance with the provisions of the Texas Local Government Records Act.

SECTION 20. That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 21. The fact that the present ordinances of the City of Mesquite do not provide for the establishment and administration of a records management program creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication, as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of December, A.D., 1990.

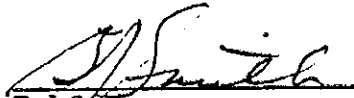
Page 7


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


B. J. Smith
City Attorney

00064