

CITY CLERK DEPT.

2014 MAY -8 AM 9:00

018176

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 010367, PROVIDING FOR A SYSTEM OF RECORDS RETENTION, RETRIEVAL AND DESTRUCTION IN ITS ENTIRETY

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 El Paso adopted Ordinance 010367 for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interest of providing cost-effective and efficient record keeping, and

WHEREAS, the City of El Paso desires to update this ordinance to enhance its relevance and make it more responsive to the current procedures of the City by changing the departmental offices that will constitute the Records Management Committee in Section 7; adding electronic records policy language; acknowledge "essential records" in the ordinance; and adding a training component.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1: DEFINITION OF CITY RECORDS.

All documents, papers, letters, memorandums, books, maps, photographs, sound or video recordings, microfilm, magnetic tapes, 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 El Paso or any of its officers or employees pursuant to law, or in the transaction of public business, are hereby declared to be records of the City of El Paso and shall be created, maintained, and disposed of in accordance with the provisions and procedures authorized by this ordinance 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 or employees of the City of El Paso;
- (b) notes, journals, diaries, and similar documents created by an officer or employee of the City of El Paso for the officer's or employee's personal convenience;
- (c) blank forms;
- (d) stocks of publications;

(e) library and museum material acquired solely for the purposes of reference or display; or

(f) copies of documents in 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 2: ADDITIONAL DEFINITIONS.

(1) "Department Head" means a person in charge of an agency, bureau or other organizational unit that creates or receives records as designated by Ordinance No. 8064 and the current staffing table of the City of El Paso.

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

(3) "Permanent Record" means any record of the City of El Paso 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 El Paso, 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 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.

(6) "Records Liaison" mean the persons designated under Section 10 of this ordinance.

(7) "Records Management Committee" means the committee established in Section 7 of this ordinance.

(8) "Records Management Officer" means the person designated in Section 5 of this ordinance.

(9) "Records Management Plan" means the plan developed under Section 8 of this ordinance.

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(10) "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.

(11) "Source Document" means the local government record from which data is obtained for electronic storage.

SECTION 3: MUNICIPAL RECORDS DECLARED PUBLIC PROPERTY.

All municipal records as defined in Section 1 of this ordinance are hereby declared to be the property of the City of El Paso. No municipal 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 of files, or use of such records is prohibited.

SECTION 4: POLICY.

It is hereby declared to be the policy of the City of El Paso to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use and disposition of all city records through a system of procedures of records management from their creation to their ultimate disposition.

SECTION 5: DESIGNATION OF RECORDS MANAGEMENT OFFICER.

The Municipal Clerk is the designated Records Management Officer (RMO) for the City of El Paso. In the event of resignation, retirement, dismissal, or removal by action of the individual so designated, the Mayor and City council shall promptly designate another individual to serve as interim Records Management Officer. The individual designated as Records Management Officer shall file his or her name with the Executive and Administrative Officer of the Texas State Library and Archives Commission within thirty days of the date of designation, as provided by state law.

SECTION 6: DUTIES OF RECORDS MANAGEMENT OFFICER.

The Records Management Officer shall be responsible for duties that pertain to "Records management" as defined in Section 2(5) of this ordinance and as otherwise prescribed by the records management committee and approved by the department of human resources.

SECTION 7: ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES.

A Records Management Committee is hereby established consisting of the City Clerk, Director of the General Services Department, Director of the Human Resources Department, Director of the Information technology Department, Director of Public Health, City Attorney, El Paso Police Chief or their designates. The Committee shall:

- (a) meet at least twice a year;
- (b) assist the Records Management Officer in the development of policies and procedures governing the records management program;
- (c) review the performance of the program on a regular basis and propose changes and improvements if needed;
- (d) actively support and promote the records management program through the City of El Paso;
- (e) receive and review an annual report of the program at least once a year.

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 El Paso. The plan shall contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the City of El Paso, and to preserve properly those records of the City of El Paso 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.

(b) Once approved by the Committee, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the City of El Paso.

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head to 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 El Paso.

SECTION 9: COOPERATION.

Department heads shall:

(1) cooperate with the Records management Officer in carrying out the policies and procedures established in the City of El Paso for the efficient and economical management of 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 her or his staff are responsible; and

(3) maintain the records in her or his 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 El Paso and the requirements of this ordinance.

SECTION 10: RECORDS LIAISONS.

Each department head shall designate a member of his or her staff to serve as Records Liaison for the implementation of the records management program in the department. If the Records Management officer determines that in the best interests of the records management program more than one Records Liaison should be designated for a department, the department shall designate additional Records Liaisons. Persons designated as Records Liaison shall become thoroughly familiar with all the records created and maintained by the department and shall have access to all the records of the City of El Paso maintained by his or her 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, the department head shall promptly designate another person to fill the vacancy. A department head may serve as Records Liaison for his or her department.

SECTION 11: DUTIES AND RESPONSIBILITIES OF RECORDS LIAISONS.

Records Liaisons shall:

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

SECTION 12: RECORDS CONTROL SCHEDULES.

In accordance with the Local Government Records Act (the "Act"), Texas Local Government Code Chapter 203.041 (a)(2), in lieu of filing records control schedules, the City of El Paso hereby adopts the records control schedules issued by the Texas State Library and Archives Commission as per form SLR508(8-95) filed on March 13, 2006 and acknowledged by the Commission on March 17, 2006.

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SECTION 13: RECORDS RETENTION.

All City records defined in Section 1 herein shall be retained and disposed of in accordance with the records control schedules issued by the Texas State Library and Archives Commission as described in Section 12 above.

SECTION 14: DESTRUCTION OF UNSCHEDULED RECORDS.

(a) A Record that does not appear on a records control schedule described in Section 12 above may be destroyed only with the prior approval of the director and librarian of the Texas State Library and Archives Commission as prescribed by the Act.

(b) The request to destroy unscheduled records will be made by the records management officer as per Local Government Code Section 203.045.

SECTION 15: MICROGRAPHICS.

Unless a micrographics program in a department is specifically exempted by order of the Mayor and City Council, all microfilming of records shall 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 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 in rules of the Texas 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 Texas State Library and Archives Commission rules.

SECTION 16: RECORDS STORAGE.

(a) 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 of the use of the records center shall be contained in the records management plan developed under Section 8.

(b) City Council may choose to outsource offsite records storage to a contracted vendor instead of maintaining a records center.

SECTION 17: CITY CLERK.

Nothing in this ordinance shall permit the interference with the City Clerk's required duties pertaining to City Council actions.

SECTION 18: RECORDS MANAGEMENT TRAINING

The Records Management Plan referenced in Section 8 will include a training component designed to ensure and enhance awareness of basic records management techniques across all levels of city employees.

SECTION 19: ESSENTIAL RECORDS

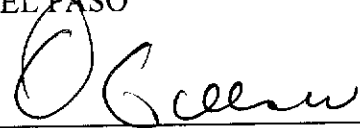
The records management officer, in cooperation with the records management committee and the record custodians will facilitate the identification and protection of essential local government records as defined in Section 2 (2).

SECTION 20: ELECTRONIC RECORDS POLICY

The records management officer, in cooperation with the records management committee, shall develop an electronic records policy to be included in the plan described in Section 8 in accordance with the Act Section 205.001, and local government bulletin b: Electronic Records Standards and Procedures.

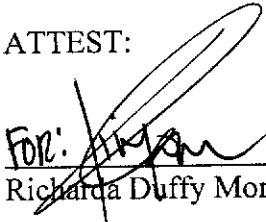
PASSED AND APPROVED this 20th day of May, 2014.

CITY OF EL PASO



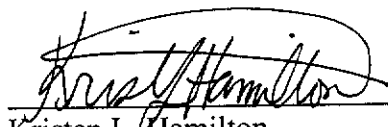
Oscar Leeser
Mayor

ATTEST:

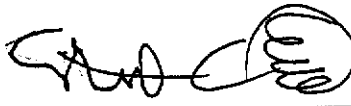


Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:


Kristen L. Hamilton
Assistant City Attorney

APPROVED AS TO CONTENT:


Stuart C. Ed, Director
General Services

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