

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: RECORDS RETENTION	REFERENCE NUMBER: 511.00
SUBJECT: RECORDS MANAGEMENT	INITIAL EFFECTIVE DATE: 12/3/2020
TITLE: RECORDS MANAGEMENT POLICY	LAST REVISION DATE: 12/3/2020

POLICY STATEMENT:

The City of Denton desires to maintain a records management program consistent with the requirements of state law, to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipal government 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.

I. Definitions.

- A. "Commission" means the Texas State Library and Archives Commission.
- B. "Department Director" means the officer who by ordinance, order, or administrative policy is in charge of an office of the City of Denton that creates or receives records.
- C. "Director and Librarian" means the executive and administrative officer of the Texas State Library and Archives Commission.
- D. "Essential Record" means any record of the City of Denton necessary to resumption or continuation of operations of the City of Denton in an emergency or disaster, to the recreation of the legal and financial status of the City of Denton, or to the protection and fulfillment of obligations to the people of the city.
- E. "Local Government Records Act" means Tex. Loc. Gov't Code §201.001 et seq. (Vernon Supp. 1991), as same may be amended from time to time.
- F. "Municipal Records" 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 of Denton or any of its officers or employees pursuant to law or in the transaction of public business. This term does not include:
 - 1. extra identical copies of documents created only for convenience of reference or research by officers or employees of the City of Denton;

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2. notes, journals, diaries, and similar documents created by an officer or employee of the City of Denton for the officer's or employee's personal convenience;
 3. blank forms;
 4. stocks of publications;
 5. library and museum materials acquired solely for the purposes of reference or display; or
 6. copies of documents in any media furnished to members of the public to which they are entitled under the Texas Government Code, Chapter 552 (Texas Public Information Act), or other applicable law.
- G. "Permanent Record" means any record of the City of Denton 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 Denton, their retention periods, and other records disposition information that the records management program may require.
- I. "Records Liaison Officers" means the persons designated under Section VIII of this policy.
- J. "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.
- K. "Records Management Committee" means the committee established in Section V of this policy.
- L. "Records Management Officer" means the person designated in Section III of this policy.
- M. "Records Management Plan" means the plan developed under Section VI of this policy.
- N. "Retention Period" means the minimum time that must pass after the creation, recording, or receipt of a record, or fulfillment of certain actions associated with a record, before it is eligible for destruction.

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II. Municipal Government Records Declared Public Property.

All municipal records as defined in Section I of this policy are hereby declared to be the property of the City of Denton. 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, duplication, removal from files, or use of such records is prohibited.

III. 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 Denton. As provided by state law, each successive holder of the office shall file his or her name with the Commission within thirty days of the initial designation or of taking up the office, as applicable.

IV. Duties of Records Management Officer.

In addition to other duties assigned in this policy, the Records Management Officer shall:

- A. Administer the records management program and provide assistance to city departments in its implementation;
- B. Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- C. In cooperation with department directors, identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operation quickly and with minimum disruption and expense;
- D. Develop procedures to ensure the permanent preservation of the historically valuable records of the City;
- E. Establish standards for filing and storage equipment and for recordkeeping supplies;
- F. Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the City of Denton;
- G. Provide records management advice and assistance to all municipal departments by preparation of a manual or manuals of procedure and policy, and by on-site consultation;

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- H. Monitor records retention schedules and administrative rules issued by the Commission to determine if the records management program and the City's records control schedules are in compliance with state regulations;
- I. Disseminate to the City Council and department directors information concerning state laws and administrative rules relating to local government records;
- J. Instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their duties in this records management policy;
- K. 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 policy;
- L. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the municipal government is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- M. 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;
- N. Report annually to the City Council on the implementation of the records management plan in each department of the City of Denton, including summaries of the statistical and fiscal data compiled under Subsection M hereof; and
- O. Bring to the attention of the City Council non-compliance by department directors or other municipal personnel with the policies and procedures of the records management program of the Local Government Records Act.

V. Duties of Records Management Committee.

A Records Management Committee consisting of the following persons, or their designated representatives, is hereby established: City Manager, City Secretary/Records Management Officer, City Attorney, and City Auditor. The committee shall:

- A. Assist the Records Management Officer in the development of policies and procedures governing the records management program;

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- 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 Denton.

VI. 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 Denton 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 municipality, and to properly preserve those records of the municipality that are of historical value. The plan shall be designed to enable the Records Management Officer to effectively carry out duties prescribed by state law and this policy.
- B. Once approved by the City Council, the records management plan shall be binding on all offices, departments, division, programs, commissions, bureaus, boards, committees, or similar entities of the City of Denton and records shall be created, maintained, stored, microfilmed, and disposed of in accordance with that plan.
- C. State law relating to the duties, other responsibilities or recordkeeping requirements of a department director do not exempt the department director or the records in the department director's care from the application of this policy and the records management plan adopted under it and may not be used by the department director as a basis for refusal to participate in the records management program of the City of Denton.

VII. Duties and Responsibilities of Department Directors.

In addition to other duties assigned in this policy, department directors shall:

- A. Cooperate with the Records Management Officer in carrying out the policies and procedures established in the City of Denton for the efficient and economical management of records and in carrying out the requirements of this policy;

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- B. Adequately document the transaction of government business and the services, programs, and duties for which the department director and his or her staff are responsible; and
- C. Maintain the records in his or her care and carry out their preservation, microfilming, scanning, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the City of Denton and the requirements of this policy.

VIII. Designation of Records Liaison Officers.

Each department director 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 interests of the records management program more than one Records Liaison Officer should be designated for a department, the department director 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 Denton maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department director of a person designated as a Records Liaison Officer, the department director shall promptly designate another person to fill the vacancy. A department director may serve as Records Liaison Officer for his or her department.

IX. Duties and Responsibilities of Records Liaison Officers.

In addition to other duties assigned in this policy, 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.

X. Departmental Records Control Schedules to be Developed; Approval; Filing with State.

- A. The Records Management Officer, in cooperation with department director 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 records management plan may require.

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- 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 of Denton.
- C. Before its adoption, a records control schedule or amended schedule for a department must be reviewed and approved by the department director and forwarded for review and approval by a majority of the members of the Records Management Committee.
- D. In the event a records control schedule for any department seeks to increase or decrease the retention period as published by the Commission, adoption of the increase or decrease by a majority of the Records Management Policy Committee and the City Council is required. After adoption by the City Council, the amended records control schedule shall be submitted to the Commission for approval. If an amended schedule is not accepted for filing by the Commission, the schedule shall be amended to make it acceptable for filing with the
- E. Commission. The Records Management Officer shall be responsible for filing the records control schedules with the Commission. Only after the Commission has adopted the City's amended schedule(s), will the applicable department be allowed to use the amended retentions schedule.

XI. 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 X shall be implemented by Department Directors 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 record is pertinent to a pending lawsuit or audit, or the department director requests in writing to the Records Management Committee that the record be retained for an additional period, provides a reason for such a request and identifies the additional time the record should be maintained.
- 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 a majority of the Records Management Committee.

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XII. 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 Commission an approved destruction authorization request.

XIII. Records Center.

A records center, developed pursuant to the plan required by Section VI, 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 VI.

XIV. 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 municipal 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 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 the Commission rules.

XV. Electronic Storage of Records.

The records management plan will establish policies and procedures for the electronic storage of municipal records, including policies to ensure that all electronic storage of the City's records is done in accordance with standards and procedures for the electronic storage of local government records established under the Local Government Records Act and of the Commission. All electronic storage of the City's records will be identified to the Records Management Officer and subject to review by the Records Management Officer for compliance with the established policies and procedures.