

Memorandum



CITY OF DALLAS

DATE October 17, 2014

TO Members of the Budget, Finance & Audit Committee: Jerry R. Allen (Chair),
Jennifer S. Gates (Vice Chair), Tennell Atkins, Sheffie Kadane, Philip T. Kingston

SUBJECT Records Management and Records Retention

Attached is briefing material regarding "Records Management and Records Retention" to be presented to the Budget, Finance and Audit Committee on Monday, October 20, 2014.

Please let me know if you need additional information.


Rosa A. Rios
City Secretary

Attachment

c: Honorable Mayor and Members of City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager

Joey Zapata, Assistant City Manager
Mark McDaniel, Assistant City Manager
Eric D. Campbell, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Forest E. Turner, Chief Wellness Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager

Records Management and Records Retention



Budget, Finance and Audit Committee
October 20, 2014

Records Management Program

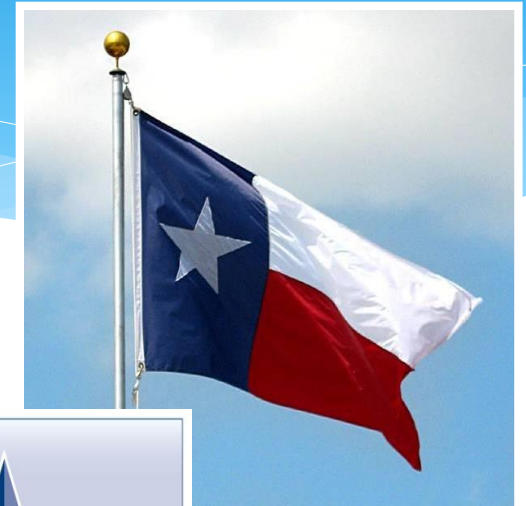
- Local Government Code (Chapters 201-205, 1989)
 - Required establishment of a Records Management Program (RMP) and appointment of a Records Management Officer
- City Code Chapter 39C Records Management
 - Ordinance 20787, November 14, 1990
 - Creates a RMP under the City Secretary
 - City Secretary appoints a Records Management Officer
 - Establishes the Records Management Policy Committee (RMPC) (City Manager, City Attorney, City Auditor and City Secretary)
 - Details responsibilities and duties of the City Council, Department Directors, and Records Management Officer
 - Designates Departmental Records Liaison Officers and their duties/responsibilities
 - Implements records retention/disposition schedules and approval process requirement prior to destruction of records
 - Establishes the Dallas Municipal Archives and Records Center
 - Addresses electronic storage of city records

Records Management Program in City Charter

- City Charter includes RMP (Proposition 9, May 5, 1993)
 - The City Secretary shall:
 - Oversee a records management program for the city that provides for the identification, maintenance, retention, security, electronic storage, microfilming, disposition, and preservation of city records and appoint a city records management officer to administer the program;
 - Operate the city's archives and records storage facility for the storage of inactive city records until such time as those records may be disposed of and identify, preserve and serve as custodian of the city's historical records;
 - Inspect or direct the city records management officer to inspect the city records and report to the city council and the city manager any irregularities or failures of the city to create, identify, or maintain records in accordance with requirements assigned by law.

Retention Schedules

- The City complies with the Texas State Library (TSL) retention schedules
 - Resolution #98-3152, Oct. 28, 1998
- TSL retention schedules cover the legal requirements for retaining records
- Legal requirements come from federal and state laws (ex: Code of Federal Regulations)
- Departments must also consider any operational need for the information, which may be longer than legal requirements
- Historical value must also be considered



Retention Schedules



Every department has a departmental retention schedule which is the key to retaining the proper documentation of department business for the right length of time.

Any operational need for retaining records beyond the legal requirement must be approved by City Council.

All employees that create, receive or use records must have a thorough knowledge of their departmental retention schedules.

Departmental Retention Schedules are on the intranet at:
http://www.cod/Cso/records_mgt/index.html

Records Retention Training

- Records Retention training is required for all employee that create, receive and/or use records
- Records Retention and Open Records introduction will be a component of New Employee Orientation beginning November 2014
 - Further online training will be required for many new employees within the first 45 days of employment
 - Records Retention
 - Texas Public Information Act
 - Open Meeting Act
- A Records Retention component will be added to the new 5-day Supervisory/Manager Training course beginning in January 2015



Approval of Longer Retentions

- Department requests a longer retention because of operational need for the information
- Reviewed and recommended by the RMPC
- Presented to City Council for approval
- Currently 14 types of records have been approved for longer retention periods
- Eight record types are being reviewed for possible longer retention periods
 - While the review process is ongoing; destruction of these record types is halted

Authorization for Records Disposal (AFRD)

- Before destroying Official Record Copies, authorization and approval usually is required from the Records Management Policy Committee
- Records that have a retention requirement of more than one year must be approved for destruction following the AFRD process as required in City Code 39C
- The exception is if the retention period is one year or less and the retention schedule states “Exempt from Destruction Request Requirement,” records may be destroyed when eligible without authorization
 - These records are maintained by a department and destroyed when eligible (For example: Daily vehicle inspection checklist)
- The Director, when approving the destruction, will be held accountable to ensure that all copies of the records for the timeframe listed are destroyed, including electronic versions on computers and all convenience copies in the department
- Extra copies can be destroyed earlier without AFRD approval

Destruction is halted when:

- There is ongoing or anticipated litigation (court), or an ongoing or anticipated audit, or a pending open records request, destruction is halted or “on hold.”
- These records cannot be disposed of until advised by the City Attorney’s Office for litigation holds or the City Auditor’s Office for audit holds, or until the Open Records Request is completed.
- The City Attorney’s Office or the City Auditor’s Office will notify the department when a hold is required and when it is lifted.



Storage of Inactive Records

- The City Secretary's Office is responsible for providing storage and retrieval services for inactive records from all city departments
- Currently, 15,000 boxes stored at City Hall (L2DN)
- In 1991, this storage was supplemented with off-site storage (Recall)
 - Currently, 57,500 boxes stored off-site
 - Each year approximately 1,000 more boxes are added than are destroyed
- A new 60-month contract will be awarded on November 12, 2014 for over \$1.3 M (\$260K annually)

Legal Requirements for Council and Board & Commission Records

- Texas Government Code (551.021) requires:
 - A governmental body to prepare and keep minutes or make a recording of each open meeting of the body
 - The minutes must state the subject of each deliberation; and indicate each vote, order, decision, or other action taken
- Retention Requirements:
 - Written minutes – retention Permanent
 - Includes Council and B&C written minutes filed with the City Secretary are required to be retained permanently
 - Audiotapes* of open meetings for which written minutes **are not** prepared – retention Permanent
 - Audiotapes* of open meetings for which written minutes **are** prepared – retention 90 days after approval of minutes
 - Audiotapes* of workshop sessions of governing bodies in which votes are not made and written minutes **are not** required by law to be taken - retention 2 years
 - Certified audiotapes* of closed meetings - retention 2 years

*Audiotapes include audiotapes and videotape with sound

Considerations for Preservation of Electronic Recordings

- Electronic recordings rely on software to be useable
- Currently there is no format which is appropriate for archival or long-term preservation of audio or video recordings
- As technology changes, electronic information will need to migrate
- Each time information is migrated there is a risk of altering or corrupting the information
 - Therefore, a Permanent (Forever) retention is not an attainable option for electronic recordings
 - CDs last 10 years or less and must be recopied periodically
- The Texas Public Information Act (Open Records Act) requires equipment be available to access and copy any format of records maintained
- Documents on paper will last hundreds of years and Adobe PDF-A format is an archival electronic format that will be usable long-term

Retention of Electronic Recordings

- Retention of recordings for City Council and specific Boards and Commissions (B&C) should be determined based on the operational, legal and historical value with technology limitations and migration costs considered
- The City Manager, on June 13, 2014, notified these specific B&C to retain all recordings until further direction is provided
 - Charter Review Commission
 - City Plan Commission
 - Citizen Police Review Board
 - Park Board
 - Landmark Commission
 - Board of Adjustment
 - Civil service Board
 - Ethics Advisory Commission
 - Permit License Appeal Board
 - Redistricting Commission

Retention of City Council Audio Recordings

- Currently, City Council audio recordings exist from 1968 to present
 - These are being maintained for historical value
 - The City Secretary's Office maintains these recordings
- The City Secretary's Office converted 24 years (1968-1992) of City Council reel-to-reel audio in 2012 at a cost of \$25K
- There are City Council audio cassettes (1992 – 2004) that require conversion soon at an estimated cost of \$50K
- Currently, recordings from 2008 to present are available on the City Secretary's Office web site
 - When these were on the City Secretary's Office web site, the cost was nominal
 - Recent migration to the City Server will result in retention costs yet to be determined

Suggested Retention Period for Select Board & Commission (B&C) Audio Recordings

- Audio recordings recommended retention period should be the same as the paper records for the board
 - Litigation claims must be filed within two years
- These B&C currently record meetings and also maintain paper records:

Board or Commission	Retention of Paper Records
City Plan Commission	10 years
Citizen Police Review Board	3 years
Park Board	3 years
Landmark Commission	10 years
Board of Adjustment	10 years
Civil Service Board	4 years
Ethics Advisory Commission	3 years
Permit License Appeal Board	3 years

Suggested Retention Period for Redistricting Commission and Charter Review Commission Audio Recordings

- Current practice for supporting paper records of these commissions is the City Manager's Office maintains the records until after the next commission finishes work
- After the conclusion of the subsequent commission, the records are reviewed and at that time records of historical value are transferred to the Archives collection (City Secretary's Office)
- It can be up to ten years before the commission is reconvened
- Minutes and reports have a permanent retention
 - Maintained by City Secretary's Office
- Audio recordings recommended retention period should be three years after the subsequent commission completes their work

Next Steps

- Input from Budget, Finance and Audit Committee
- Full Council Briefing – November 5, 2014
- Schedule formal Council action item to set retention as recommended