Chapter 2.80 Records and Information Management Program

Sections:

[2.80.010 Definitions](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#Definitions)

[2.80.020 Purpose](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#Purpose)

[2.80.030 Policy](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#Policy)

[2.80.040 Records and information management program established](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#RIMprogramestablished)

[2.80.050 City records declared public property](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#Recordspublicproperty)

[2.80.060 Public access to records](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#publicaccesstorecords)

[2.80.070 Establishment and duties of records advisory committee](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#establishmentofrac)

[2.80.080 Designation of records manager](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#designationofrecordsmanager).

[2.80.090 Duties and responsibilities of department heads](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#dutiesandresponsibilitiesofdeptheads)

[2.80.100 Designation of records coordinators](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#designationofrecordscoordinators)

[2.80.110 Duties and responsibilities of records coordinators](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#dutiesandresponsibilitiesofrecordscoordi)

[2.80.120 Records retention schedules to be developed, reviewed and approved](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#recordsretentionschedulestobedevelopeda)

[2.80.130 Implementation of records retention schedules; destruction of records under schedules](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#implementationofrecordsschedules)

[2.80.140 Destruction of unscheduled records](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#destructionofunscheduledrecords)

[2.80.150 Preservation of permanent records](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#preservationofpermanentrecords)

[2.80.160 Custody of records; removal](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#custodyofrecordsremoval)

[2.80.170 Recovery of City records](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#recoveryofcityrecords)

2.80.010 Definitions.

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

A. “Active record” means a record that is referenced or used on regular basis, a frequently used record that needs to be available for immediate access by users.

B. “Administrative value” means the value attributed to a record series to the creating office in the performance of its assigned operations within the City; the period of time a record may be needed within the organization for administrative or operational purposes.

C. “Archives” means those official records, which have been determined by the records manager and the records advisory committee to have sufficient historical or other value to warrant their continued preservation by the City.

D. “City or municipal records” means any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including all copies thereof, regardless of physical form or characteristics, that has been made or received by the City in connection with the transaction of official business and preserved for informational value or as evidence of a transaction and all other records or documents required by law to be filed with or kept by any department of the City of Dillon.

E. “Department head” means the officer or employee who by administrative appointment is in charge of an office of the City that creates or receives records.

F. “Fiscal value” means the value attributed to a record series, which documents financial transactions; the period of time a record must be retained for financial reasons or for tax/audit requirements.

G. “Historic value” means the determination that records possess value in elucidating the history of the City and are thus worthy of permanent preservation as archival materials. Also referred to as archival value.

H. “Inactive record” means a record that is referenced or used fewer than ten (10) times annually; a record that does not need to be immediately available, but must be retained for legal reasons or because users have an infrequent need to access it and it has not yet met its retention period.

I. “Legal value” means the usefulness of a record in complying with statues and regulations, as evidence in legal proceedings, or as legal proof of business transactions.

J. “Non-record” means those materials such as reference books, exhibit materials, etc., created or acquired and preserved solely for reference use or exhibition purposes; extra copies of documents preserved only for convenience or reference, and stocks of publications are not included within the definition of City records as used in this chapter.

K. “Permanent record” means any records having sufficient historical value to warrant permanent or continued preservation beyond the time they are needed for administrative, legal or fiscal purposes.

L. “Records advisory committee” means the committee established in section [2.80.070](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#establishmentofrac).

M. “Records custodian” means any individual responsible for proper filing, storage or safekeeping of City records.

N. “Records coordinators” means the persons designated under section [2.80.100](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#designationofrecordscoordinators)

O. “Records and information management” means applying management techniques to creation, use, maintenance, retention, preservation and disposal of records for purposes of reducing costs and improving efficiency of record keeping. The term includes developing records retention schedules, management of filing and information retrieval systems, protection of vital records, preservation of permanent records, economic and space effective storage of inactive records, control over creation and distribution of forms, reports and correspondence, and management of micrographic and electronic and other records storage systems. It is the systematic control of the City's records from their creation or receipt to their final preservation or destruction.

P. “Records and information management program” means the program developed under sections [2.80.060](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#publicaccesstorecords) through [2.80.170](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#recoveryofcityrecords)

Q. “Records manager” means the person designated in section [2.80.080](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#designationofrecordsmanager).

R. “Records retention schedule” means a document prepared by or under the authority of the Mayor, listing records maintained by the City, retention periods and other records disposition information the records and information management program may require.

S. “Record series” means a group of similar or related records, used or filed as a unit which permit evaluation as a unit for retention scheduling purposes.

T. “Retention period” means the period of time during which records must be retained in a certain location or form because they are needed for operational, legal, fiscal, or historical purposes. A retention period may be stated in terms of months or years, and is sometimes expressed as contingent upon the occurrence of an event.

U. “Vital record” means any record of the City required to re-establish or continue the City in the event of a disaster; records containing unique and irreplaceable information necessary to recreate an organization's legal and financial position and preserve the rights of the organization and its employees and citizens. Vital records include records whose informational value to the City is so great, and the consequences of loss are so severe, that special protection is justified in order to reduce the risk of loss.

Enc Ord 458 June 20, 2018

2.80.020 Purpose.

The purpose of this ordinance is to establish a records and information management program for the City of Dillon to provide for the creation and administration of a records and information management program and establish duties and responsibilities of City personnel with respect to City records.

Enc Ord 458 June 20, 2018

2.80.030 Policy.

It is hereby declared to be the policy of the City 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 State of Montana.

Enc Ord 458 June 20, 2018

2.80.040 Records and information management program established.

There is hereby established a records and information management program. The Mayor is responsible for directing the program and a designated City representative coordinates records and information management program operations among the City offices and departments.

The records and information management program is binding for all offices, departments, divisions, programs, bureaus, boards, commissions, committees or similar entities of the City and records must be created, maintained and disposed of in accordance with the program.

Enc Ord 458 June 20, 2018

2.80.050 City records declared public property.

All municipal records are hereby declared to be the property of the City. City officials or employees by virtue of position, must not have personal or property right to such records even though that person may have developed or compiled them. The unauthorized destruction, removal from files or use of such records is prohibited. Upon expiration of appointment or employment, custodians of public records must deliver said records to successors. If there is not a successor, said records must be delivered to the City Clerk, including all books, writings, letters, documents, public information or other information, recorded on any medium, created, kept or received in the transaction of official business.

Enc Ord 458 June 20, 2018

2.80.060 Public access to records.

Public access to City records must be provided as authorized by Montana law and City Council ordinance and/or resolution.

Enc Ord 458 June 20, 2018

2.80.070 Establishment and duties of records advisory committee.

A records advisory committee consisting of the City attorney, the Mayor, the finance director, the designated records manager, and the City/County historic preservation officer is hereby established. The committee must:

A. Assist the records manager in development of administrative rules governing the records and information management program.

1. Review performance of the program on a regular basis and propose changes and improvements if needed.
2. Review and approve records retention schedules submitted by the records manager.
3. Give final approval for destruction of records in accordance with the approved records retention schedules.
4. Actively support and promote the records and information management program throughout the City.

Enc Ord 458 June 20, 2018

2.80.080 Designation of records manager.

The Mayor must designate a records manager to administer the records and information management program and be responsible for City-wide files management and the direction and control of the City's records disposition program.

In addition to other duties assigned in this chapter, the records manager must:

1. Administer the records and information management program and provide assistance to department heads in its implementation.
2. Plan, formulate and prescribe records disposition administrative rules, systems, standards and procedures.
3. In cooperation with department heads, prepare, update and amend retention schedules, identify vital and permanent records and develop a disaster plan for each City office and department ensuring maximum availability of the records, reestablishing operations quickly and with minimizing disruption and expense.
4. Develop procedures to ensure the permanent preservation of the historically valuable records of the City.
5. Provide records and information management advice and assistance to all City departments by preparing a records and information management manual containing procedures for City staff to use in implementing the records and information management program and through on-site consultation.
6. Monitor records retention schedules and administrative rules issued by the State of Montana to determine if the records and information management program and the City's records retention schedules are in compliance with state regulations.
7. Instruct records coordinators and other personnel in implementation of the records and information management program and their duties in the program.
8. Direct records coordinators or other personnel in the conduct of records inventories and preparation for development or updating records retention schedules.
9. Ensure maintenance, preservation, destruction or other disposition of City records is carried out in accordance with the records and information management program and requirements of state law.
10. Report regularly to the Mayor on compliance and effectiveness of the program in each City department and any noncompliance by department heads or other City personnel with the records and information management program.
11. Maintain identity of records destroyed under approved records retention schedules.

Enc Ord 458 June 20, 2018

2.80.090 Duties and responsibilities of department heads.

In addition to other duties assigned in this chapter, department heads must:

A. Cooperate with the records manager in carrying out policies and procedures established by the City for efficient and economical management of records and in carrying out requirements of this chapter.

1. Adequately document the transaction of government business and services, programs and duties for which department heads and staff are responsible.
2. Maintain the records and carry out preservation, destruction or other disposition only in accordance with the records and information management program of the City and requirements of this chapter.
3. Designate a staff member to serve as records coordinator for implementation of the records and information management program in the department.
4. Coordinate the purchase, acquisition and application of technology to creation, use and disposition of City records with members of the records advisory committee.

Enc Ord 458 June 20, 2018

2.80.100 Designation of records coordinators.

Each department head must designate a staff member to serve as records coordinator for implementation of the records and information management program in the department. If the records manager determines more than one (1) records coordinator should be designated for a department, the department head may designate the number of records coordinators specified by the records manager. Persons designated as records coordinators must be thoroughly familiar with all records created and maintained by the department and must have full access to all records of the City maintained by the department. In the event of resignation, retirement, dismissal or removal of person(s) designated as records coordinator, department heads must promptly designate another staff member to fill the vacancy. Department heads may serve as department records coordinators.

Enc Ord 458 June 20, 2018

2.80.110 Duties and responsibilities of records coordinators.

In addition to other duties assigned in this chapter, records coordinators must:

A. In cooperation with the records manager and department head, conduct inventories of records of the department in preparation for development or updating records retention schedules.

1. In cooperation with the records manager and department head, coordinate and implement policies and procedures of the records and information management.
2. In cooperation with the records manager and department head, disseminate information to departmental staff concerning the records and information management program.
3. When necessary, advise the records manager and department head of obsolescence of records, creation of new records series, and/or need for amendments to departmental retention schedules.

Enc Ord 458 June 20, 2018

2.80.120 Records retention schedules to be developed, reviewed and approved.

A. The records manager, in cooperation with department heads and records coordinators, must prepare records retention schedules on a department by department basis, listing all records created or received by the department and the retention period for each record. Records retention schedules must also contain such other information regarding the disposition of City records as the records and information management program may require.

1. Each records retention schedule must be monitored and amended as needed by the records manager on a regular basis to ensure compliance with records retention schedules issued by the state and to continue to reflect record keeping procedures and needs of the department and the records and information management program of the City.
2. Before its adoption, a records retention schedule or an amended schedule for a department must be approved by the department head and members of the records advisory committee. New retention periods must be submitted by the department head to the records manager. The records manager must notify the records advisory committee of the request. The committee will act on the request. The records manager will notify the department head of the committee's determination.
3. Before its adoption, a records retention schedule must be submitted and reviewed as provided by state law. The records manager must submit records retention schedules to the state local government records committee for review.
4. Upon successful review by the state local government records committee, adoption of the records retention schedules must be via administrative rule.

Enc Ord 458 June 20, 2018

2.80.130 Implementation of records retention schedules; destruction of records under schedules.

A. A records retention schedule for a department that has been approved and adopted under Section [2.80.120](http://www.ci.missoula.mt.us/DocumentCenter/Home/View/1025#recordsretentionschedulestobedevelopeda) must be implemented by department heads and records coordinators according to policies and procedures of the records and information management plan.

1. A record whose retention period has expired according to a records retention schedule may be destroyed unless an open records request is pending on the record; subject matter of the record is pertinent to a pending lawsuit; or the department head requests in writing to the records advisory committee via the records manager that the record be retained for an additional specified period of time and receives approval of the records advisory committee.
2. Prior to destruction of records under an approved records retention schedule, authorization for destruction must be obtained by the records manager from the records advisory committee.

Enc Ord 458 June 20, 2018

2.80.140 Destruction of unscheduled records.

A record that has not yet been listed on an approved records retention schedule may be destroyed if its destruction has been approved by the records advisory committee and the state local government records destruction subcommittee.

Enc Ord 458 June 20, 2018

2.80.150 Preservation of permanent records.

The records manager must develop procedures to insure permanent preservation of historically valuable records of the City. This includes providing proper housing (i.e. placing in an approved archive) for such records in a municipal facility and in such manner that records, unless use is restricted by law or regulation, are open to the public for research purposes. If City-owned facilities are not available, the records manager must arrange for transfer of records to an appropriate facility for perpetual care and preservation or make other arrangements for their permanent preservation not contrary to law or regulation. In no circumstances may the ownership of permanent records of the City be transferred to private individuals or institutions.

Enc Ord 458 June 20, 2018

2.80.160 Custody of records.

A. Active records. The originating department has full custody over records still in active use.

1. Inactive records. The originating department is the legal custodian of its records in storage and must retain the authority to retrieve and use records deposited in inactive storage
2. Archival records. Records transferred to or acquired for the archives, must be under the full custody of the records manager, rather than the department which created or held them immediately prior to being transferred to the archives

1. Records must be transferred to the archives upon the recommendation of the records manager, with the approval of the department head of the department, which had custody of the records and the approval of the records advisory committee.

2. Records may be temporarily reassigned from the archives, at the request of the records manager or the department head of the department which had custody of the records immediately prior to the transfer of those records to the archives, subject to the approval of the records advisory committee.

Enc Ord 458 June 20, 2018

2.80.170 Recovery of City records.

The City attorney may take steps to recover local government records which have been removed or wrongfully retained from proper custody and may when necessary, institute actions of records recovery or replevin on behalf of the City.

Enc Ord 458 June 20, 2018