

# ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3077

AN ORDINANCE CREATING A RECORDS AND INFORMATION MANAGEMENT PROGRAM FOR THE CITY OF HELENA, AND ESTABLISHING THE DUTIES AND RESPONSIBILITIES OF CITY PERSONNEL WITH RESPECT TO CITY RECORDS

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

That Title 1 of the Helena City Code is hereby amended by adding the following chapter:

## CHAPTER 6

### RECORDS AND INFORMATION MANAGEMENT PROGRAM

- 1-6-1: Purpose
- 1-6-2: Definitions
- 1-6-3: Records and Information Management Program Established
- 1-6-4: City Records Declared Public Property
- 1-6-5: Establishment and Duties of Records Advisory Committee
- 1-6-6: Designation of Records Manager
- 1-6-7: Recovery of City Records

1-6-1: **PURPOSE:** The purpose of this chapter is to create a records and information management program for the City of Helena and establish the duties and responsibilities of City personnel with respect to City records. This chapter provides 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 law.

1-6-2: **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:

CITY RECORDS: All papers, correspondence, forms, books, photographs, microfilm, magnetic tape, computer storage media, maps, drawings, or other documents, including copies required by

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law to be kept as part of the official record, regardless of physical form or characteristics, that have been made or received by the City to document the transaction of official business, are public writings pursuant to law, and are designated for retention by the Local Government Records Committee, and all other records or documents required by law to be filed with or kept by any department of the City of Helena. The term includes electronic mail sent or received in connection with the transaction of official duties, which can be brief notes, formal correspondence, substantive narrative documents, and any attachments such as word processing, spreadsheets, and other formats that are transmitted with the message. It does not include any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other type of document that is for reference purposes only, or preliminary drafts, telephone message slips, routing slips, stock of publications or preprinted forms, or any superseded publications.

**RECORDS AND  
INFORMATION  
MANAGEMENT:**

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 record keeping. This includes the development of records retention schedules, the management of filing and information retrieval systems, the protection of vital records, the preservation of 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 micrographic, electronic, and other records storage systems. It is the systematic control of city records from their creation or receipt to their final preservation or destruction.

**ORDINANCES OF THE CITY OF HELENA, MONTANA****1-6-3: RECORDS AND INFORMATION MANAGEMENT PROGRAM ESTABLISHED:**

- A. A Records and Information Management Program is hereby established. The City Manager is responsible for directing and approving the program.
- B. The records and information management program is binding on all offices, departments, divisions, programs, boards, commissions, committees, or similar entities of the City, and records will be created, maintained, and disposed of in accordance with the program.

**1-6-4: CITY RECORDS DECLARED PUBLIC PROPERTY:** All city records are hereby declared to be the property of the City. No City official or employee has, by virtue of position, any 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. Any custodian of any public records shall, at the expiration of appointment or employment, deliver to a successor, or if there be none, to the Clerk of the Commission, all books, writings, letters, documents, public information, or other information, recorded on any medium, or created, kept, or received in the transaction of official business.

**1-6-5: ESTABLISHMENT AND DUTIES OF RECORDS ADVISORY COMMITTEE:** A records advisory committee, consisting of the Clerk of the Commission, a representative from the City Attorney's office, and the Clerk of City Court, is hereby established. The committee shall:

- A. Assist the records manager in the development and administration of the records and information management program.
- B. Prepare records and information management policies, systems, standards and procedures for approval by the City Manager.
- C. Review the performance of the program on a biennial basis and propose changes and improvements if needed.
- D. Review and approve records retention schedules and amendments thereto as submitted by the records manager.

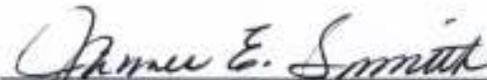
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- E. Give recommendations to the City Commission for the destruction of records in accordance with approved records retention schedules.
- F. Actively support and promote the Records and Information Management Program throughout the City.

1-6-6:     **DESIGNATION AND DUTIES OF RECORDS MANAGER:** The Clerk of the Commission is designated as the records manager. The records manager will administer the records and information management program pursuant to policies, standards, and procedures recommended by the Records Advisory Committee and approved by the City Manager. The records manager will provide the direction and control for the City's records retention and disposition, and provide assistance to the departments in their implementation. The records manager will provide reports regarding the program to the City Manager.

1-6-7:     **RECOVERY OF CITY RECORDS:** The City Attorney may take steps to recover local government records that have been removed or wrongfully retained from proper custody and may, when necessary, institute actions of records recovery on behalf of the City.

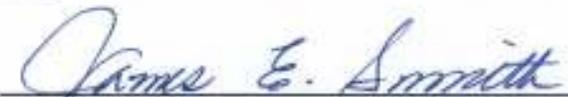
**FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,  
THIS 26 DAY OF FEBRUARY, 2007.**

  
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MAYOR

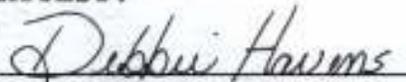
ATTEST:

  
\_\_\_\_\_  
CLERK OF THE COMMISSION

**FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 12 DAY OF MARCH, 2007.**

  
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MAYOR

ATTEST:

  
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CLERK OF THE COMMISSION