

Bill No. 2024-07

Ord. No. 2024-07

**AN ORDINANCE AMENDING CHAPTER 123 OF THE CITY CODE
BY ADDING ONE NEW SECTION REGARDING RECORD
RETENTION.**

BE IT ORDAINED by the Board of Aldermen of the City of Fayette, Missouri as follows:

SECTION ONE: The City Code, Chapter 123, is hereby amended by adding one new section regarding record retention, to read as follows:

Section 123.105 Record Retention

- A. The program shall be administered under the provisions set forth in the Local Records Retention Schedule approved by the Missouri Local Records Board in August 2023, and as may be amended from time to time by the Missouri Local Records Board.
- B. Definitions. For the purpose of this Chapter, the following words and terms shall have the meanings respectively ascribed:

CITY ADMINISTRATOR

The City Administrator of the City of Fayette or, in the absence of such, the person appointed by the Mayor to fulfill this role.

COUNSEL

The City Attorney for the City of Fayette.

CUSTODIAN OF RECORDS

The City Clerk of the City of Fayette.

DEPUTY CUSTODIANS

The heads of City departments.

INACTIVE RECORDS

Those records that are no longer required in active office areas but which require further retention due to legal, operating, or historical reasons.


PUBLIC RECORD

Any document, book, paper, photograph, map, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any officer or employee of the City; however, public record shall not be construed to mean those records which are deemed by law to be confidential or which are prohibited from being inspected by the public or which shall hereinafter be exempt from the provisions of this Article or from the provisions of the State and Local Records Law. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for the convenience of reference, and stocks of publications and processed documents are not included within this definition and are hereinafter designated as "non-records" as defined within Section 109.210(5), RSMo., as amended.

- C. Ownership Of Public Records.** All public records shall be the property of the City, and, in this regard, such records shall be delivered by outgoing officials and employees to their successors.
- D. Duties Of Officers And Employees.** It shall be the duty of each officer and employee of the City to protect, store, transfer, destroy, or otherwise dispose of, use, and manage public records only in accordance with applicable Federal, State, or local law.
- E. Duties Of Custodians.**
- a. **Custodian Of Records.** It shall be the responsibility of the custodian of records to administer the records management program of the City. In this regard, the custodian of records shall:
- (1) Develop and circulate such forms as may be necessary to implement and maintain the records management program.
 - (2) Make all deputy custodians aware of how to access the Local Records Retention Schedule.
 - (3) Approve destruction schedules before disposition of public records and certify same to the Board of Aldermen to be made a part of the journal.
- b. **Deputy Custodians.** It shall be the responsibility of the deputy custodians to establish and maintain an active, continuing program for the economical and efficient management of the records of their departments and to review established records retention schedules at least annually to ensure that they are complete and current.
5. **Records Review Board.** The City Administrator, counsel, and custodian of records shall comprise a Records Review Board which shall review retention and destruction schedules on records which are not enumerated in the Local Records Retention Schedule and shall transmit recommendations to the State and local records boards for their action. Further, the Records Review Board shall perform such other duties as necessary to ensure compliance with all applicable Federal, State, and local regulations.
6. **Destruction Of Records.** The records classification and retention periods in the Local Records Retention Schedule constitute legal authority for the retention and disposal of official records. The custodian of records will review records status annually, and records exceeding the minimum retention period listed in this manual are to be destroyed. The retention schedule does not prescribe the method of destruction (shredding, burning, landfills, etc.); however, record series with a disposition of "destroy securely" contain confidential data. These records should be destroyed under the supervision of a competent person(s) designated (or appointed) to ensure that no records fall into unauthorized hands and that the data cannot be reconstructed.
7. **Exception To The Records Retention Schedule.** The Records Review Board may elect to keep records longer than the schedule reflected in the Missouri Municipal Records Manual upon a majority consensus of the members.
8. **Disposition Of Records.** The disposition of records should be recorded in a document such as the minutes of the Board of Aldermen. The record should include the description and quantity of each record series disposed of, the manner of destruction, inclusive dates covered, and the date on which destruction was accomplished.

SECTION TWO Effective Date. This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.
Read Twice and approved by Roll Call Vote

Dated this 26th day of March, 2024.


Jeremy Dawson, Mayor

Attest:


Judith Thompson, City Clerk

