

ORDINANCE #2011-02

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 2, ARTICLE I BY ADDING A NEW SECTION 2-5 OF THE CITY OF DORAL CODE OF ORDINANCES ENTITLED "ADMINISTRATION IN GENERAL: RECORDS KEEPING/ RECORDS MANAGEMENT PLAN" TO REQUIRE THAT THE CITY OF DORAL OFFICIALS AND DEPARTMENT DIRECTORS SUBMIT A DEPARTMENTAL OFFICE RECORDS DISPOSITION COMPLIANCE AUTHORIZATION FORM CERTIFYING THAT THE DEPARTMENT OR OFFICE IS IN COMPLIANCE WITH THE CITY'S RECORDS DISPOSITION REGULATIONS, FLORIDA STATUTES, AND THE FLORIDA ADMINISTRATIVE CODE; DIRECTING THE CITY CLERK OR THE CITY CLERK'S DESIGNEE TO COMPLETE A RECORDS DISPOSITION COMPLIANCE AUTHORIZATION FORM, TO BE EXECUTED BY THE CITY MANAGER, AS THE CITY'S RESPONSE TO THE STATE RECORDS ANALYSIS SECTION OF THE BUREAU OF ARCHIVES AND RECORDS MANAGEMENT IN COMPLIANCE WITH THE STATE OF FLORIDA RETENTION REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, effective February 20, 2001, the State of Florida Bureau of Archives and Records Management (the "Bureau") Division of Library and Information Services (the "Division") eliminated the requirement for agencies to obtain authorization from the Division before disposing of public records which had met schedule retention requirements and established new regulations concerning records disposition; and

WHEREAS, the records scheduling and dispositioning process is contained in Chapter IB-24 of the Florida Administrative Code, which establishes standards and procedures for scheduling and disposing of public records and establishes definitions related to records management activities; and

WHEREAS, before records disposition, each agency must ensure that retention requirements have been satisfied; and

WHEREAS, City Clerk/Records Management Liaison Officer, has been designated administrator of the Archives and Records Management Program and serves as the Records Liaison Officer to the Bureau; and

WHEREAS, each agency is required to submit to the Division, once a year, a signed statement attesting to the agency's compliance with records disposition laws, rules and procedures; and

WHEREAS, in preparation for this compliance reporting each department and office within the City of Doral will certify, on a form prepared by the Office of the City Clerk that the department or office is in compliance with City records disposition laws, rules and procedures of the Division, pursuant to section 257.36 of the Florida Statutes; and

WHEREAS, upon immediate receipt of all departmental and office certifications, the City Clerk and Records Management Liaison Officer will prepare the State form and upon execution by the City Manager will forward same to the State of Florida Records Analysis Section, Bureau of Archives and Records Management; and

WHEREAS, the City Council wishes to amend its Code of Ordinances to implement best practices with regards to records management.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are hereby adopted by reference thereto and incorporated as if fully set forth in this Section.

Section 2. Chapter 2, Article I, of the Code of the City of Doral, Florida, as amended, is further amended by adding the following new Section 2-5 thereto:

Section 2-5 City Archives and Records Management Program.

City officials and city department directors shall annually certify and file with the City Clerk the Departmental/Office Records Disposition Compliance Authorization Form provided by the Office of the City Clerk within seven (7) days after the end of each fiscal year. The foregoing procedure is established to ensure compliance with the provisions of Section 257.36, Florida Statutes, as may be amended or revised from time to time and Rule IB 24-002 Florida Administrative Code, as may be amended or revised from time to time.

Section 3. The City Manager is directed to instruct City of Doral officials and Department directors to submit the Departmental/Office Records Disposition Compliance Authorization Form, attached and incorporated as "Exhibit 1" hereto, to the City Clerk within seven days after the end of each fiscal year, commencing after the end of Fiscal Year 2010-2011, certifying that the department or office is in compliance with the City's Records Disposition Regulations, Florida Statutes, and Florida Administrative Code.

Section 4. The City Manager, upon review and initialization by the City Clerk and the Records Management Liaison Officer, is authorized to execute the necessary documents provided by the State and in a form acceptable to the City Attorney, to certify that the City of Doral as an agency is or is not in compliance with the State of Florida and City scheduled retention requirements.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, work or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 6. Repeal of Conflicting Provisions. All ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 7. Inclusion in Code. It is the intention of the Mayor and City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall become upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor DiPietro, who moved its adoption. The motion was seconded by Ana Maria Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilman Luigi Boria	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes

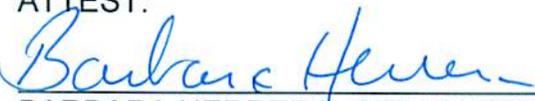
PASSED AND ADOPTED upon first reading the 12th day of January, 2011.

PASSED AND ADOPTED upon second reading the 9th day of February, 2011.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE SOLE USE OF THE CITY OF DORAL:



JIMMY L. MORALES, CITY ATTORNEY

EXHIBIT "A"



CITY OF DORAL
DEPARTMENT RECORD DISPOSITION
COMPLIANCE FORM
OFFICE OF THE CITY CLERK

Pursuant to City of Doral, Ordinance #2011-02, the _____

Department hereby certifies that it is in compliance with Ch. 119.041(1), F.S.; Ch. .257.36(6), F.S.; and Rule 1B-24.002, F.A.C.

Yes ____ No ____

This Department has disposed a total of _____ cubic feet of records as identified in Disposition List # _____ for Fiscal Year _____.

Department Director's Printed Name

Department Director's signature

Date

City Manager's signature

Date

City Attorney's signature

Date