

ORDINANCE NO. 2003- 14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO PUBLIC RECORDS; ESTABLISHING A RECORDS RETENTION COMMITTEE; PROVIDING FOR PHOTOGRAPHING AND DESTRUCTION OF PUBLIC RECORDS; PROVIDING FOR MICROFILMING, PROVIDING FOR MANNER OF DESTROYING RECORDS; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 119, Florida Statutes, requires governments to retain public records and to dispose of public records as provided by law; and

WHEREAS, the Mayor and City Council desire to establish a Public Records – Retention and Disposition Committee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA:

Section 1. Photographing and destruction of public records. The City Clerk is hereby designated as the manager of the records of the City of Miami Gardens, Florida, and shall have the authority, with the concurrence of the Records Retention Committee, to promulgate suitable guidelines and rules for the orderly management, scheduling, destruction and microfilming of public records. Such guidelines and rules shall comply with rules and regulations established by the Division of Archives, History and Records Management of the Department of State of the state of Florida, and with the provisions of Chapter 119, Florida Statutes. Before the Clerk shall order any public records destroyed by a department head or other official, such destruction also shall be approved by the Records Retention Committee.

Section 2. Records Retention Committee. There is hereby created a Records Retention Committee consisting of the City Clerk, the chief financial officer, the city attorney, the Mayor, or respective designee and three citizens. The Records Retention Committee shall make and promulgate suitable rules, within the limitations governing the management, scheduling, destruction and microfilming of public records of the City. Nothing herein contained however, shall relieve the Records Retention Committee of the duty of investigating and approving the destruction of each individual series of records when it is proposed that such series of records be destroyed.

Section 3. Manner of microfilming records. Microfilming of records shall be accomplished by the methods or system best calculated to perpetuate records on film and in accordance with microfilm specifications as established by the Division of Archives, History and Records Management of the Florida Department of State.

Section 4. Manner of Destroying Records. Destruction of records shall be accomplished by shredding, maceration, incineration or other method approved by the Division of Archives, History and Records Management of the Florida Department of State. Upon the destruction of any city records, as herein provided, the person destroying and the person witnessing the destruction of the same forthwith shall make and file with the city clerk a certificate describing the records destroyed and certifying the date and manner of destruction as provided on Form DS-RM 107, Notice of Intent to Destroy Scheduled Records.

Section 5. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

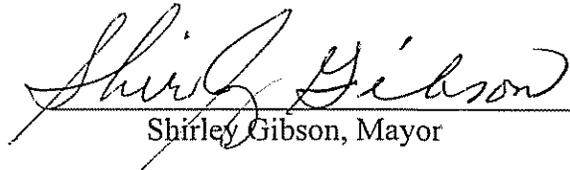
Section 6. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 7. Codification. This ordinance shall be codified and included in the City of Miami Gardens Code of Ordinances.

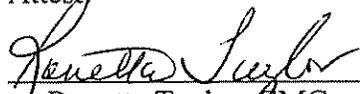
Section 8. Effective Date. This ordinance shall take effect ten (10) days after adoption on second reading.

PASSED on first reading the 5th day of November, 2003.

PASSED AND ADOPTED on second reading the 19th day of November, 2003 (As amended)

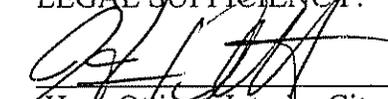


Shirley Gibson, Mayor

Attest


Ronetta Taylor, CMC
City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Hans Oudinot, Interim City Attorney

MOVED BY: Councilman Braynon
SECONDED BY: Councilwoman Pritchett

VOTE: 7-0

Mayor Shirley Gibson	<u>x</u> (Yes)	____ (No)
Vice Mayor Aaron Campbell	<u>x</u> (Yes)	____ (No)
Councilman Melvin L. Bratton	<u>x</u> (Yes)	____ (No)
Councilman Oscar Braynon, II	<u>x</u> (Yes)	____ (No)
Councilwoman Audrey King	<u>x</u> (Yes)	____ (No)
Councilwoman Sharon Pritchett	<u>x</u> (Yes)	____ (No)
Councilwoman Barbara Watson	<u>x</u> (Yes)	____ (No)