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ORDINANCE NO. 1602.08

RECORDS MANAGEMENT ORDINANCE

AN ORDINANCE ENACTING REGULATIONS FOR THE MANAGEMENT OF OFFICIAL CITY RECORDS; ESTABLISHING A RECORDS MANAGEMENT PROGRAM AND A RECORDS CONTROL SCHEDULE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 201 of the Local Government Code requires that government offices establish, promote, and support an active and continuing program for efficient and economical management of all local government records; and

WHEREAS, Title 6, Subtitle C of the Local Government Code (“Local Government Records Act”) provides that a municipality must establish by ordinance an active and continuing records management program to be administered by a Records Management Officer; and

WHEREAS, the City of San Elizario (“City”) desires to adopt an ordinance for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council of the City of San Elizario (“City Council”) finds that the establishment of a records retention and management program is reasonable, necessary, and proper for the good government of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Elizario:

SECTION I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and incorporated fully herein.

SECTION 2. ADOPTION AND ENACTMENT

- A.** The City of San Elizario hereby adopts the "Records Management Ordinance" contained in Attachment A, attached hereto and incorporated fully herein for all intents and purposes.
- B.** In compliance with Section 6 of the Records Management Ordinance, the City hereby adopts as its plan the control schedules that comply with minimum requirements established on records retention schedules issued by the Texas State Library and Archives Commission ("TSL") for use in the City's records management program.
- C.** In accordance with Texas Local Government Code Section 203.041(a)(2), the City Council authorizes the City Clerk to submit the Declaration of Compliance (TSL Form SLR 508, as amended) issued by the TSL that states the City's control schedules will comply with the schedules issued by the commission to the Texas State Library Archives Commission, State and Local Records Management Division.

SECTION 3. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 4. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

PASSED AND APPROVED this, the 24th day of May, 2016, by a vote of 4 (ayes)

to 0 (nays) to _____ (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Maya Sanchez, Mayor

**CITY OF SAN ELIZARIO
RECORDS MANAGEMENT ORDINANCE**

Section 1. Definition of city records

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information-recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the city or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the city and shall be created, maintained, and disposed of in accordance with provisions of this ordinance or procedures authorized by it and in no other manner.

Section 2. Additional definitions

Department head. The officer who by ordinance, order or administrative policy is in charge of an office of the city that creates or receives records.

Essential record. Any record of the city necessary to the resumption or continuation of operations of the city in an emergency or disaster, to the re-creation of the legal and financial status of the city, or to the protection and fulfillment of obligations to the people of the state.

Permanent record. Any record of the city for which the retention period on a records control schedule is given as permanent.

Records control schedule. A document prepared by or under the authority of the Records Management Officer listing the records maintained by the city, its retention periods, and other records disposition information that the records management program may require.

Records liaison officers. The persons designated under Section 9 of this article.

Records 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 recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and 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 micrographics and electronic and other records storage systems.

Records management officer. The person designated in Section 5 of this article.

Records management plan. The plan developed under Section 6 of this of this article.

Retention period. The minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

Section 3. City records declared public property

All city records as defined in Section 1 of this ordinance are hereby declared to be the property of the city. No city official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

Section 4. 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 Texas Local Government Records Act and accepted records management practice.

Section 5. Designation of records management officer

The Mayor or designated appointee, and the successive holders of said office, shall serve as the Records Management Officer for the city. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the state library within thirty days (30) of the initial designation or of taking up the office, as applicable.

Section 6. Records management plan to be developed; approval of plan; authority of plan

(a) The Records Management Officer shall develop a record management plan for the city for submission to the city council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the city, and to properly preserve those records of the city that are of historic value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this ordinance effectively.

(b) Once approved by the city council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this article and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the city.

Section 7. Duties of the records management officer

In addition to other duties assigned in this article, the Records Management Officer shall:

- (1) Administer the records management program and provide assistance to department heads in its implementation;
- (2) Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (3) In cooperation with department heads, identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- (4) Develop procedures to ensure the permanent preservation of the historically valuable records of the city;
- (5) Establish standards for filing and storage equipment and for recordkeeping supplies;
- (6) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the city;
- (7) Provide records management advice and assistance to all municipal departments by preparation of a manual or manuals of procedure and policy and by on-site consultation;
- (8) Monitor records retention schedules and administrative rules relating to local government records;
- (9) Disseminate to the municipal and department heads information concerning state laws and administrative rules relating to local government records;
- (10) Instruct records liaison officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;
- (11) Direct records liaison officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this article;
- (12) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of municipal records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (13) Maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;
- (14) Report annually to the municipality on the implementation of the records management plan in each department of the city, including summaries of the statistical and fiscal data compiled under subsection (13); and

- (15) Bring to the attention of the city noncompliance by department heads or other city personnel with the policies and procedures of the records management program or the Local Government Records Act.

Section 8. Duties and responsibilities of department heads

In addition to other duties assigned in this article, department heads shall:

- (1) Cooperate with the Records Management Officer in carrying out policies and procedures established in the city for the efficient and economical management of records and in carrying out the requirements of this article;
- (2) Adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and
- (3) Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the city and the requirements of this article.

Section 9. Designation of records liaison officers

Each department head shall designate a member of his or her staff to serve as records liaison officer for the implementation of the records management program in the department. If the Records Management Officer determines that in the best interests of the records management program more than one records liaison officer should be designated for a department, the department head shall designate the number of records liaison officers specified by the Records Management Officer. Persons designated as records liaison officers shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the city maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as a records liaison officer, the department head shall promptly designate another person to fill the vacancy. A department head may serve as records liaison officer for his or her department.

Section 10. Duties and responsibilities of records liaison officers

In addition to other duties assigned in this article, records liaison officers shall:

- (1) Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;
- (2) In cooperation with the Records Management Officer, coordinate and implement the policies and procedures of the records management program in their department; and
- (3) Disseminate information to department staff concerning the records management program.

Section 11. Records control schedules to be developed; approval; filing with state

(a) The Records Management Officer, in cooperation with department heads and records liaison officers, shall prepare records control schedules on a department-by-department basis listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of municipal records as the records management plan may require.

(b) Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that continues to reflect the recordkeeping procedures and needs of the department and the records management program of the city.

(c) Before its adoption, a records control schedule or amended schedule for a department must be approved by the department head, the city attorney, and the city secretary.

(d) Before its adoption, a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian.

Section 12. Implementation of records control schedules; destruction of records under schedule

(a) A records control schedule for a department that has been approved and adopted under Section 6 shall be implemented by department heads and records liaison officers according to the policies and procedures of the records management plan.

(b) A record whose retention period has expired on records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit, or the department head requests in writing to the records management officer that the record be retained for an additional period.

(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the records management officer from the city council.

Section 13. Destruction of unscheduled records

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the records management officer has submitted to and received back from the director and librarian an approved destruction authorization request.