

AN ORDINANCE ESTABLISHING AUTHORITY AND ASSIGNS THE RESPONSIBILITY FOR CARRYING OUT THE RECORDS MANAGEMENT PROGRAM REQUIRED BY THE STATE LAW AND CREATES THE ADMINISTRATIVE FRAMEWORK THROUGH WHICH THE PURPOSES OF THE PROGRAM ARE TO BE ESTABLISHED.

WHEREAS, Title 6, Subtitle C, 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 Town of Annetta South 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;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF ANNETTA SOUTH

SECTION 1. DEFINITION OF MUNICIPAL 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 characteristics and regardless of whether public access to them is open or restricted under the laws of the state, created or received by the Town of Annetta South or any of its officers or employees pursuant to law or in transaction of public business are hereby declared to be the records of the Town of Annetta South and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner.

(1) "Essential record" means any record of The Town of Annetta South necessary to the resumption or continuation of its operation in an emergency or disaster, to the re-creation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.

(2) "Permanent record" any record of The Town of Annetta South for which the retention period on a records schedule is given as permanent.

(3) "Records control schedule" means a document prepared by or under the authority of the Records Management Officer listing the records maintained by The Town of Annetta South, their retention periods, and other records disposition information that the records management program may require.

(4) "Records Management" means 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 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.

(5) "Records management officer" means the person designated in Section 4 of this ordinance.

(6) "Records management plan" means the plan developed under Section 5 of this ordinance.

(7) "Retention period" means 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 2. MUNICIPAL RECORDS DECLARED PUBLIC PROPERTY. All municipal records as defined in Sec. 1 of this ordinance are hereby declared to be the property of The Town of Annetta South. No municipal official or employee has, by virtue of his or her position, any personal or prop-

fective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipal records through a comprehensive system of integrated procedures for their management from creation to ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

SECTION 4. DESIGNATION OF RECORDS MANAGEMENT OFFICER. The Records Manager, and successive holders of said office, shall serve as Records Management Officer of The Town of Annetta South. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable.

SECTION 5. RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN.

(a) The Records Management Officer shall develop a records management plan for The Town of Annetta South for submission to the Board of Aldermen. 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 municipality, and to properly preserve those records of the municipality that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by the state law and this ordinance effectively.

(b) Once approved by the Board of Aldermen the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of The Town of Annetta South 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 of a department head do not exempt the department head or the records in the department head's care from the application of this ordinance 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 Town of Annetta South.

SECTION 6. DUTIES OF RECORDS MANAGEMENT OFFICER. In addition to other duties assigned in this ordinance, the Records Management Officer shall:

- (1) administer the records management program and provide assistance to department heads in its implementation;
- (2) plan, formulate, 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 Town;
- (5) establish records for filing and storage of equipment and recordkeeping supplies;
- (6) study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for The Town of Annetta South;
- (7) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations;
- (8) disseminate to the Board of Aldermen and department heads information concerning state laws and administrative rules relating to local government records;
- (9) ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of The Town of Annetta South are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

(10) maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

(11) report annually to the Board of Aldermen on the implementation of the records management plan in each department of The Town of Annetta South, including summaries of the statistical and fiscal data compiled under Subsection (10); and

(12) bring to the attention of the Board of Aldermen non-compliance by the department heads or other municipal personnel with the policies and procedures of the records management program or the Local Government Act.

SECTION 7. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS. In addition to other duties assigned in this ordinance, department heads shall:

(1) cooperate with the Records Management Officer in carrying out the policies and procedures established in The Town of Annetta South for the economical management of records and in carrying out the requirements of this ordinance;

(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 Town of Annetta South and the requirements of this ordinance.

SECTION 8. RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE.

(a) The Records Management Officer, in cooperation with department heads, shall prepare records control schedules on a department by department basis listing all records series created or received by the department and the retention period for each series. Records control schedules shall also contain such other information regarding the disposition of the Board of Aldermen 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 schedule issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of The Town of Annetta South.

(c) Before its adoption a records schedule or amended schedule for a department must be approved by the department head and The Board of Aldermen.

(d) Before its adoption a records control schedule must be submitted 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 9. IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE.

(a) A records schedule for a department has been approved and adopted under Section 8 shall be implemented by department heads according to the policies and procedures of the records management plan.

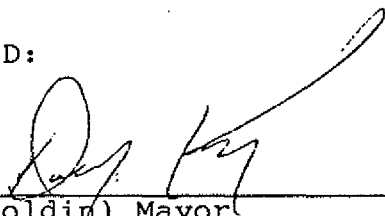
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(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer from the Board of Aldermen.

SECTION 10. 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 the librarian an approved destruction authorization request.


PASSED AND APPROVED by the Board of Aldermen of The Town of Annetta South, Texas, this 10 th day of October, 1991.

APPROVED:



Doug Koldin) Mayor

ATTEST:



Town Secretary

(CITY SEAL)



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PASSED AND APPROVED by the Board of Aldermen of The Town of Annetta South, Texas, this _____th day of _____, 199_.

APPROVED:

Doug Koldin) Mayor

ATTEST:

Town Secretary

(CITY SEAL)

THE LOCAL GOVERNMENT RECORDS ACT OF 1989 AND MUNICIPALITIES

Basic Requirements

The Local Government Records Act requires the governing body of each municipality to:

- designate a records management officer (RMO) to coordinate records management activities in the city. The name of the RMO must be filed with the Texas State Library and Archives Commission.
- adopt a formal records management policy by ordinance and file a copy with the Commission.

The Act requires that the records management officer:

- prepare or direct the preparation of records control schedules for submission to the Commission by January 2, 1995.

Once accepted for filing by the Commission, the schedules confer continuing authorization on a municipality to dispose of records on the basis of its schedules. Prior to the submission of schedules, records may be destroyed after submission and approval of records destruction authorization requests to the Commission.

Preparing Records Control Schedules

Each municipality determines retention periods for its records, but a retention period for a record on a municipal schedule may not be less than the minimum retention period for the record on a records schedule issued by the Commission.

Retention periods on Commission schedules are based on applicable state and federal laws. Local government officials are consulted throughout the development of each schedule. A first draft of each schedule is also distributed throughout the state for review and comment to officials whose records will be affected. Prior to a schedule's adoption by the Commission, it must be approved by the Local Government Records Committee, a 36-member panel, 34 of whom are local government officials.

Once approved and adopted as a rule of the agency as provided by law, Commission schedules affecting municipal records will be distributed free of charge to all designated municipal RMOs.

All municipalities will be provided with the following commission schedules:

Local Schedule GR - provides minimum retention periods for records common to all governments; namely, personnel, financial, general administrative records.

Local Schedule TX - provides minimum retention periods for records of property appraisal and the collection of property taxes.

Local Schedule PS - provides minimum retention periods for records of police and fire departments.

Local Schedule PW - provides minimum retention periods for public works records.

Local Schedule LC - provides minimum retention periods for the records of municipal courts.

Filing Procedure

File RMO designations, ordinances, destruction authorizations, and schedules by sending them to:

Texas State Library
Local Records Division
P.O. Box 12927
Austin, TX 78711-2927
(512) 463-5478

Use the same address and number for answers to problems and questions.