

ARTICLE 1.1000 RECORDS MANAGEMENT*

Sec. 1.1001 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 City of Abernathy 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 City of Abernathy and shall be created, maintained, and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner.

Sec. 1.1002 Additional Definitions

Department Head. Means the officer who by ordinance order of administrative policy is in charge of an office of City of Abernathy that creates or receives records.

Essential Record. Means any record of City of Abernathy necessary to the resumption of continuation of operations of City of Abernathy in an emergency or disaster, to the recreation of the legal and financial status of City of Abernathy, or the protection and fulfillment of obligations to the people of the state.

Permanent Record. Means any record of City of Abernathy for which the retention period on a records control schedule is given a permanent.

Records Control Schedule. Means a document prepared by or under the authority of the records management officer listing the records maintained by City of Abernathy, their retention periods, and other records disposition information that the records management program may require.

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 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. Means the person designated in Section 1.1005 of this article.

Records Management Plan. Means the plan developed under Section 1.1007 of this article.

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.

Sec. 1.1003 City Records Declared Public Property

All city records as defined in Sec. 1.1001 of this article are hereby declared to be the property of City of Abernathy. 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.

Sec. 1.1004 Policy

It is hereby declared to be the policy of City of Abernathy 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

ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

Sec. 1.1005 Designation of Records Management Officer

The city secretary, and the successive holders of said office, shall serve as records management officer for the City of Abernathy. 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.

Sec. 1.1006 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 City of Abernathy 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 historical 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 article 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 City of Abernathy 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 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 City of Abernathy.

Sec. 1.1007 Duties of 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 city 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 forms design and control system for the City of Abernathy;
- (7) provide records management advice and assistance to all city 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 issued by the Texas State Library and Archives Commission to determine if the records management program and the city's records control

schedules are in compliance with state regulations;

- (9) disseminate to the city council and department heads information concerning state laws and administrative rules relating to local government records;
- (10) instruct personnel in policies and procedures of the records management plan and their duties in the records management program;
- (11) direct 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 city 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 city council on the implementation of the records management plan in each department of City of Abernathy, including summaries of the statistical and fiscal data compiles under subsection (13); and
- (15) bring to the attention of the city non-compliance by department heads or other city personnel with the policies and procedures of the records management program or the Local Government Records Act.

Sec. 1.1008 Written Declaration; Filing with State

The records management officer, will file with the director and librarian a written declaration that we have adopted records control schedules for the City of Abernathy that comply with records retention schedules issued by the Texas State Library and Archives Commission as provided by Sec. 203.005 (g), Local Government Code.

Sec. 1.1009 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 1.1008 shall be implemented by department heads according to the policies and procedures of the records management plan.
- (b) A record whose retention period has expired on a 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 law suit, or the department head requests in writing to the records management officer that the record be retained for an additional period.

Sec. 1.1010 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 authorization request.

Sec. 1.1011 Micrographics

Unless a micrographics program in a department is specifically exempted by order of the city council, all microfilming of records will be centralized and under the direct supervision of the records management

officer. The records management plan will establish policies and procedures for microfilming of city records, including policies to ensure that all microfilming is done in accordance with standards and procedures for the microfilming of local government records established in rules of the Texas State Library and Archives Commission. The plan will also establish criteria for determining the eligibility of records for microfilming, and protocols for ensuring that a microfilming program that is exempted from the centralized operations is, nevertheless, subject to periodic review by the records management officer as to cost-effectiveness, administrative efficiency, and compliance with commission rules.

(Ordinance 391 adopted 1/13/97)