

ORDINANCE NO. 093-028

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE CODE OF ORDINANCES BY REPEALING ARTICLE III, RECORDS MANAGEMENT, SECTIONS 2.41 - 2.60 AND ADDING A NEW ARTICLE, ARTICLE III, RECORDS MANAGEMENT, PROVIDING FOR A COMPREHENSIVE RECORDS MANAGEMENT PROGRAM IN ACCORDANCE WITH STATE LAW; PROVIDING FOR COMPLIANCE WITH THE OPEN RECORDS ACT, PROVIDING FOR A FEE CHARGED TO THE PUBLIC FOR COSTS INCURRED IN RESPONDING TO REQUESTS FOR RECORDS; PROVIDING FOR REQUESTS THAT WILL TAKE MORE THAN TEN (10) EMPLOYEE HOURS TO PRODUCE; PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR A REPEAL CLAUSE; AND DECLARING AN EMERGENCY.

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

WHEREAS, the Town of Addison, 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 CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances of the Town of Addison Texas, be amended by repealing Article III, Records Management, Sections 2.41 - 2.60 (Ordinance 085-016).

SECTION 2. That the Code of Ordinances of the Town of Addison, Texas, by amending Chapter 2 by adding a new Article III, Records Management as follows:

CHAPTER 2, ARTICLE III
RECORDS MANAGEMENT

Section 2.41. Definition of Town 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 Town of Addison 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 Town of Addison 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.

Section 2.42. Additional Definitions.

"Department Head" means the officer who by ordinance, order, or administrative policy is in charge of an office of the Town of Addison that creates or receives records.

"Open Records Act" shall mean Article 6252-17a of Vernon's Revised Civil Statutes.

"Permanent record" means any record of the Town of Addison for which the retention period on a records control schedule is given as permanent.

"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 Addison, 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 committee" means the committee established in Section 7 of this ordinance.

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

"Records management plan" means the plan developed under Section 7 of this ordinance.

"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.

"Town" or "City" shall mean the Town of Addison, Texas.

Section 2.43. Town of Addison Records declared Public Property. All Town records as defined in Sec. 2.41 of this ordinance are hereby declared to be the property of the Town of Addison. No Town 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 2.44. Policy. It is hereby declared to be the policy of the Town of Addison to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all Town 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 2.45. Designation of Records Management Officer. The City Manager shall designate an individual, employed by the Town, to serve as Records Management Officer for the Town of Addison. In the event of the resignation, retirement, dismissal, or removal by action of the City Manager of the individual so designated, the City Manager shall promptly designate another individual to serve as Records Management Officer. The individual designated as Records Management Officer shall file his or her name with the director and librarian of the Texas State Library within thirty days of the date of designation, as provided by state law.

Section 2.46. Establishment of Records Management Committee Duties. A Records Management Committee consisting of the Records Management Officer, the City Manager, the Director of Finance, and the City Attorney is hereby established. The committee shall:

(a) assist the Records Management Officer in the development of policies and procedures governing the records management program;

(b) review the performance of the program on a regular basis and propose changes and improvements if needed;

(c) review and approve records control schedules submitted by the Records Management Officer;

(d) actively support and promote the records management program throughout the Town.

Section 2.47. Records Management Plan to be developed; approval of plan; authority of plan.

(a) The Records Management Officer and the Records Management Committee shall develop a records management plan for the Town of Addison 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 Town, and to properly preserve those records of the Town 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 Ordinance effectively.

(b) Once approved by the Town the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the Town of Addison 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 the Town of Addison.

Section 2.48. 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, 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 Town 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 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 Town of Addison.

(7) provide records management advice and assistance to all Town departments through the 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 Town's records control schedules are in compliance with state regulations;

(9) disseminate to the Town 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 ordinance;

(12) ensure that the maintenance, preservation, microfilming, destruction, or other disposition of Town 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 Town on the implementation of the records management plan in each department of the Town of Addison, including summaries of the statistical and fiscal data compiled under Subsection (13); and

(15) bring to the attention of the City Manager non-compliance by department heads or other Town personnel with the policies and procedures of the records management program or the Local Government Records Act.

Section 2.49. 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 for the efficient and 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 Addison and the requirements of this Ordinance.

Section 2.50. 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. 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 2.51. Duties and Responsibilities of Records Liaison Officers. In addition to other duties assigned in this Ordinance, Records Liaison Officers shall:

(a) conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;

(b) in cooperation with the Records Management Officer coordinate and implement the policies and procedures of the records management program in their departments; and

(c) disseminate information to department staff concerning the records management program.

Section 2.52. 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 Town 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 it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the Town of Addison.

(c) Before its adoption a records control schedule or amended schedule for a department must be approved by the department head and the members of the Records Management Committee.

(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 2.53. 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 7 shall be implemented by Department Heads and Records Liaison Officers according to the policies and procedulres 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, upon a written request for consideration from a Department Head, the Records Management Committee determines that the record may 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 Records Management Committee.

Section 2.54. 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.

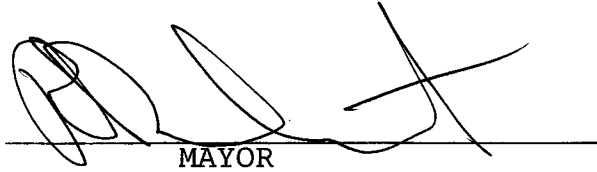
Section 2.55. Records Center. A records center, developed pursuant to the plan required by Section 7, shall be under the direct control and supervision of the Records Management officer. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under Section 7.

Section 2.56. Micrographics. All microfilming or electronic storage of records will be under the direct supervision of the Records Management Officer. If microfilming or electronic storage is done by a Service bureau, the Records Management Officer shall be responsible for the centralized supervision and coordination of microfilming service contracts. The records management plan will establish policies and procedures for the microfilming or electronic storage of Town records, including policies to ensure that all microfilming or electronic storage is done in accordance with standards and procedures for the microfilming or electronic storage of 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 or electronic storage, and will periodically be reviewed by the records management officer as to cost-effectiveness, administrative efficiency, and compliance with commission rules.

Section 2.57. Open Records Act to control. All requests for information made under this chapter shall be considered under the direction of the Open Records Act. All provision or refusal to provide information by the custodian of public records shall be in compliance with and controlled by the Open Records Act.

SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 11th day of May 1993.



MAYOR

ATTEST:



CITY SECRETARY

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6/10/93