

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 012-043

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING VARIOUS PROVISIONS REGARDING MANAGEMENT OF TOWN RECORDS INCLUDED IN DIVISION 1 (GENERALLY), ARTICLE V (RECORDS MANAGEMENT) OF CHAPTER 2 (ADMINISTRATION) OF THE TOWN'S CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas ("City") has previously adopted regulations regarding management of Town records, and the City Council desires to update those regulations as set forth in this Ordinance in accordance with the Texas Local Government Records Act (Title 6, Subtitle C, Local Government Code).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Incorporation of Recitals. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. The Code of Ordinances ("Code") of the Town of Addison, Texas (the "Town") is hereby amended by amending portions of Division 1 (Generally), Article V (Records Management) of Chapter 2 (Administration) of the Code as set forth in Exhibit A attached hereto and incorporated herein for all purposes, and all other chapters, articles, sections, subsections, sentences, phrases and words of the Code are not amended hereby (additions are underlined; deletions are ~~struck through~~).

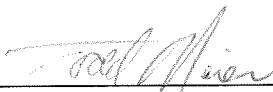
Section 3. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 4. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective from and after its

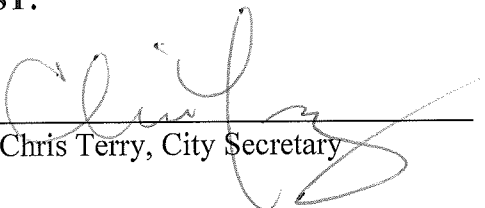
passage and approval and its publication as may be required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 11th day of December, 2012.



Todd Meier, Mayor

ATTEST:

By: 

Chris Terry, City Secretary

APPROVED AS TO FORM:

By: 

John Hill, City Attorney

Exhibit A
to Ordinance No. _____

The Code of Ordinances of the Town of Addison, Texas is amended by amending Division 1 (Generally), Article V (Records Management) of Chapter 2 (Administration) as set forth below (additions are underlined; deletions are ~~struck through~~):

DIVISION 1. - GENERALLY

Section 2-241. - Definitions of town records.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Essential record means any record of the town necessary to the resumption or continuation of its operations 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 town.

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

Town records means ~~a~~All documents, papers, letter~~correspondence, books~~memoranda, accounts, reports, maps, plans, photographs, sound or video recordings, files, microfilm, microphotograph, magnetic or paper tape, electronic medium~~punched card, or other information recording medium~~documents, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, which have been or shall be created, or received, filed, or recorded by the~~any town office or any of department or its officers or employees pursuant to law, including an ordinance, or in the transaction of public business.~~lawful successor, or officials thereof in pursuance of law or ordinance or in the conduct, transaction, or performance of any business, duty, or function of public business, whether or not confidential or restricted in use, are hereby declared to be records of the town, and shall be created, maintained, and disposed of in accordance with provisions of this article and procedures authorized by it and in no other manner.

The term does not include:

- (a) extra identical copies of documents created only for convenience of reference or research by officers or employees of the local government;
- (b) notes, journals, diaries, and similar documents created by an officer or employee of the local government for the officer's or employee's personal convenience;
- (c) blank forms;

(d) stocks of publications;

(e) library and museum materials acquired solely for the purposes of reference or display;

(f) copies of documents in any media furnished to members of the public to which they are entitled under Chapter 552, Government Code, or other state law; or

(g) any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Section 2009.054(c), Government Code, associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a state department or institution, local government, special district, or other political subdivision of the state participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

Records control schedule means a document prepared by or under the authority of the records management officer listing the records maintained by the town, 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 2-245 of this article.

Records management plan or plan means the plan developed under section 2-245-1 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.

Section 2-242. - Town records declared public property.

All town records as defined in section 2-241 created or received in the transaction of official business or the creation or maintenance of which were paid for by public funds are hereby declared to be public property and are subject to the provisions of subtitle C, Title 6, Texas Local Government Code and subchapter J, Chapter 441, Texas Government Code of the town. No town official or employee has, by virtue of his position, any personal or property right to such records even though he may have developed or compiled them. The unauthorized destruction, removal from files, or use of

such records is prohibited.

Section 2-243. - Policy.

It is hereby declared to be the policy of the town to provide for efficient, economical, and effective controls over 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. Town records shall be created, maintained and disposed of in accordance with the provisions of this article and the provisions of the Texas Local Government Records Act and other applicable state law and regulations.

Section 2-244. - Records management department.

There is hereby established a records management division. The city secretary is responsible for directing the division and coordinating records management operations among the town offices and department.

Section 2-245. - Office of records manager established.

The city secretary is designated as theA town records management officer~~manager shall be appointed by the city manager~~ who shall administer the records management division and shall be responsible for town-wide files management and records disposition program direction, guidance, and technical assistance.~~—The records manager shall report to and be responsible to the city manager in the same manner as other department heads.~~

By the city council's adoption of this article, the position of the records management officer is deemed to have been entered in the minutes of the governing body. The name and office or position of the records management officer shall be filed with the state (including, as applicable, the director and librarian of the Texas State Library and Archives Commission) in accordance with law. In the event a new name and office or position is designated, the same shall be entered on the minutes and reported by the records management officer to the director and librarian in the same manner as the original designation.

Section 2-245-1. - Records management plan; authority of plan.

The records management officer shall develop and administer a records management plan for the town, which plan shall be consistent with law. The plan will seek 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 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 ordinance effectively. The records management officer shall submit the records management plan to the city manager for approval. Each of the town departments, commissions, boards, committees or similar entities shall comply with the plan.

Section 2-246. - Duties of records management officer~~manager~~.

The records management officer~~manager~~ shall have the following duties, and others as assigned by the city manager and others as may be required by law:

(1) Administer the records management program and provide assistance to department heads in its implementation~~Planning, formulating, and prescribing basic files management and records disposition policies, systems, standards, and procedures.~~

(2) 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~~Preparing records schedules for all town offices and departments defining and identifying vital and permanent records, and establishing retention periods for all records. Retention periods shall be no shorter than desired by the originating office, but shall be as long as deemed necessary by either the records manager, the city attorney, or the finance director.~~

(3) Develop procedures to ensure the permanent preservation of the historically valuable records of the town~~Reviewing schedules annually and update or change as needed.~~

(4) ~~the town-wide files management and records disposition programs and evaluating program effectiveness in an annual report to the city manager.~~

(5) ~~Disseminate to the city council~~Providing records management advice and assistance to all town offices and departments heads information concerning state laws and administrative rules relating to local government records, by preparation of manuals of procedures and policies and by on-site consultation.

(6) ~~Developing, analyzing, and coordinating files maintenance and records disposition procedures, including but not limited to those prescribed by this article, to meet the current and long-term information needs of the town.~~

(57) Ensure that the maintenance, preservation,~~Carry out at the proper time actions such as microfilming, destruction, or other disposition of town records are carried out in accordance with the policies and procedures of the records management program and the requirements of state law~~and transfers which are required by record schedules.~~~~

(8) ~~Establish and monitor compliance with standards for filing and storage equipment and supplies in all town offices and department, and report to the city manager failure of any office or department to comply with standards.~~

(9) ~~Develop a town-wide forms design and control system.~~

(10) ~~Establish in cooperation with other responsible town officials a disaster plan for each town office and department to ensure maximum availability of records for re-establishing operations quickly and with minimum disruption and expense.~~

Section 2-247. - Responsibilities of town department heads.

All ~~town~~ office and 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 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 town and the requirements of this article ~~are responsible for implementation and operation of effective files operations; records transfers and dispositions and other activities in accordance with the provisions of this article, within their areas of responsibility. All town office and department heads shall designate qualified record officers within their offices and provide the records manager the name of such designees and of all file stations and files custodians under their supervision.~~

Section 2-248. - Responsibilities of records officers.

The records officer in each office and department is responsible for providing coordination between the records ~~management officer~~ manager and personnel in his office to ensure that provisions of this article and policies and procedures adopted pursuant to it are complied with. This responsibility shall include overseeing the application of records schedules within the office or department.

Section 2-249. - Town offices to use records schedules.

(a) The records management officer, in cooperation with ~~All town offices and departments heads shall prepare~~ adopt 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 ~~and destroy, transfer, or otherwise dispose of records only according to such schedules. Records control schedules shall also contain such other information regarding the disposition of municipal records as the records management plan may require.~~ Retention periods to be included in schedules shall be submitted by the records manager to the finance director and city attorney, who shall notify the records manager within ten working days of this approval or of any objection to a retention period. At the expiration of the ten-day period, if no objection has been submitted, the record schedule shall be adopted and shall have full force as sufficient authorization for records destruction or other action. If objection is made, the records manager shall determine a retention period satisfactory to the office concerned, to the financial director, and to the city attorney.

(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. When a retention schedule is adopted, it shall constitute full authority to destroy, transfer, microfilm or take other actions, and the city council hereby directs that such action be taken by the records manager or under his supervision. The records manager shall notify the state library of intended destruction, as required by law, but no further notice to the city council or other town office shall be required.

(c) Before its adoption, a records control schedule or amended schedule for a department must be approved by the department head. Revision of retention periods shall be submitted for review by the city attorney and finance director in the same manner as the original retention periods.

(d) Before its adoption, a records control schedule must be submitted to and accepted for filing by the director and librarian of the Texas State Library and Archives Commission 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 of the Texas State Library and Archives Commission.

(e) In lieu of filing a records control schedule or amendments to an established schedule, the records management officer may file with the director and librarian a written certification of compliance that the city has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by the Texas State Library and Archives Commission, as amended.

Section 2-249-1. - Implementation of records control schedules; destruction of records under schedule.

(a) A records control schedule for a department that has been approved and adopted shall be implemented by department heads in accordance with law.

(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 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 department head.

Section 2-249-2. - 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 of the State Library and Archives

Commission an approved destruction authorization request.

Section 2-250. - Records center.

The records ~~management officer~~manager shall design a records center operation, which shall provide low cost storage of records no longer required to be kept in active office space. The records center operation shall utilize one or more buildings to ensure security of records from deterioration, theft, or damage during the period of storage and to permit fast efficient retrieval of information from stored records. An information retrieval service and microfilming program shall be carried out in conjunction with the records center operation for the benefit of town offices.

Section 2-251. - Noncurrent records not to be maintained in office files.

Records no longer required in the conduct of current business by any office of the town shall be promptly transferred to the records center or the state library, or destroyed, at the time such action is designated on an approved schedule. Such records shall not be maintained in current office files or equipment.

Section 2-252. - Microfilming and electronic storage of recordsprogram.

(a) A centralized microfilming program shall be designed and implemented by the records ~~management officer~~manager to serve all town offices and departments. Town records may be microfilmed in accordance with State law and the rules of the Texas State Library and Archives Commission and under the supervision of the records management officer. No office or department shall operate a separate microfilm program, and no town funds may be expended to film or contract with a service company to film any town records, except through the records management department.

(b) Town records may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of State law and the rules of the Texas State Library and Archives Commission and under the supervision of the records management officer. The term (i) “electronic storage” means the maintenance of town record data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk, or similar machine-readable medium; (ii) “town record data” means the information that by law, regulation, rule of court, ordinance, or administrative procedure in the town comprises a local government record; and (iii) “source document” means the town record from which town record data is obtained for electronic storage; it does not include backup copies o the date in any media generated from electronic storage.~~The records manager shall determine how long the various records of the town could be stored in the record center before the cost of storage during their retention periods would exceed the cost of preserving them in microfilm format. In making this determination, the records manager shall also compare long term lease of low cost facilities, in addition to or in place of the present records storage building, with the cost of microfilm. In calculating comparative costs, he shall consider document preparation and re-filing time of staff, and other indirect costs of microfilming, as well as cost of separate archival storage for master negatives for microfilm. Records determined to be more economically stored on microfilm shall be microfilmed and, in addition, the records~~

manager shall include the following types of records in the microfilming program:

~~(1) — Those which, because of the nature of the information they contain, are indispensable to the continued operations of an office and, therefore, should be microfilmed to provide a security copy.~~

~~(2) — Those which, because of high volume use, require frequent and/or large numbers of copies to be made which could be made more efficiently or economically through microfilm.~~