

**AN ORDINANCE**

**BY THE CITY COUNCIL OF THE CITY OF SCHERTZ TEXAS  
ESTABLISHING RECORDS MANAGEMENT ORDINANCE AND  
APPOINTING A RECORDS MANAGEMENT OFFICER; AND  
PROVIDING A REPEALING CLAUSE.**

**WHEREAS**, Title 6, subtitle C, Local Government Code (Local Government Records Act) provides that a CITY COUNCIL must establish by ORDINANCE an active and continuing records management program to be administered by a Records Management Officer; and

**WHEREAS**, the CITY OF SCHERTZ 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 CITY OF SCHERTZ, TEXAS:**

**SECTION 1. DEFINITION OF MUNICIPAL RECORDS.**

Municipal records includes 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 OF SCHERTZ 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 OF SCHERTZ 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. The materials excluded from the term "local government record" in Section 201.003 of the Local Government Records Act are not municipal records for purposes of this ordinance.

**SECTION 2. ADDITIONAL DEFINITIONS.**

(1) "Department head" means the officer who by ordinance, order, or administrative policy is in charge of an office of the CITY OF SCHERTZ that creates or receives records.

(2) "Essential record" means any municipal record of the CITY OF SCHERTZ necessary to the resumption or continuation of government operations of the CITY OF SCHERTZ in an emergency or disaster, to the recreation of the legal and financial status of the CITY OF SCHERTZ, or to the protection and fulfillment of obligations to the people of the state.

(3) "Permanent record" means any municipal record of the CITY OF SCHERTZ for which the retention period on a records control schedule issued by the Texas State Library and Archives Commission is given as permanent.

(4) "Records control schedule" means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the CITY OF SCHERTZ, their retention periods, and other records disposition information that the records management program may require.

(5) "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.

(6) "Records liaison officers" mean the persons designated under Section 10 of this ORDINANCE.

(7) "Records management officer," means the person designated in Section 5 of this ORDINANCE.

(8) "Records management plan" means the plan established under Section 6 of this ORDINANCE.

(9) "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 3. MUNICIPAL RECORDS DECLARED PUBLIC PROPERTY.** All municipal records as defined in Sec. 1 of this ordinance are hereby declared to be public property. No municipal 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 OF SCHERTZ to provide for efficient, economical, and effective controls over the creation,

distribution, organization, maintenance, use, and disposition of all municipal 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 Local Government Records Act and accepted records management practice.

**SECTION 5. DESIGNATION OF RECORDS MANAGEMENT OFFICER.** Evelyn Boggess is hereby designated to serve as Records Management Officer for the CITY OF SCHERTZ. 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 6. RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN.**

(a) The Records Management Plan on file with the City Secretary is to be administered by the Record Management Officer.

(b) The records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the CITY OF SCHERTZ and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan. The Records Management Officer will coordinate with the City Manager.

(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 CITY OF SCHERTZ.

**SECTION 7. 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 CITY OF SCHERTZ 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 OF SCHERTZ;

(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 OF SCHERTZ;

(7) provide records management advice and assistance to all municipal departments.

(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 municipality's records control schedules are in compliance with state regulations;

(9) disseminate to the CITY MANAGER 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) advise 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 the 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) bring to the attention of the CITY MANAGER non-compliance by department heads or other CITY OF SCHERTZ 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 ORDINANCE, department heads shall:

(1) cooperate with the Records Management Officer in carrying out the policies and procedures established in the CITY OF SCHERTZ 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 CITY OF SCHERTZ and the requirements of this ORDINANCE.

**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. 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 10. 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 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 it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the CITY OF SCHERTZ.

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

(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 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 11 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 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.

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

**SECTION 13. DESTRUCTION OF UNSCHEDULED RECORDS.** A record that does not appear on a records control schedule or amended schedule may be destroyed only with the prior approval of the director and librarian of the Texas State Library, and the Records Manager has received the approved destruction authorization request. Persons desiring to destroy unscheduled records must strictly adhere to the guidance contained in the Local Government Records Act Section 203.045.

**SECTION 14. RECORDS CENTER.** A records center, developed pursuant to the plan required by Section 6, 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 6.

**SECTION 15. ELECTRONIC RECORD STORAGE.** The Records Management Officer will also integrate the management of electronic records with other records and information resources management programs; incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives; establish procedures for addressing electronic records management requirements, including record keeping

requirements and disposition; and ensure that training is provided for users of electronic records systems in the operation, care, and handling of the equipment, software, and media used in the system. The Records Management Officer will procure and maintain up-to-date guidance pertaining to all applicable electronic records storage systems, and will insure all computer hardware adequately incorporates all technical characteristics necessary for reading, processing, and the timely, disposition of stored records. The Records Management Officer will also insure that all offices will specify the location and media on which electronic records are maintained on all file plans, and maintain inventories of electronic records systems to facilitate disposition instructions.

#### **SECTION 16. REPEALING CLAUSE**

That City of Schertz Ordinance No. 90-G-16 and 94-G-30 and any other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

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Approved on first reading 6th day of April, 2004.

PASSED, APPROVED AND ADOPTED this the 30th day of April, 2004.



Mayor, City of Schertz, Texas

ATTEST:

*Deputy* Mary Ylarra  
City Secretary, City of Schertz

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS,

County of Guadalupe

1st reading of  
Records Mgmt  
officer

\$ 40.50

Before me, the undersigned authority, on this date personally appeared

Tommy Crow, known to me, who, being by me duly sworn, on his oath deposes and says that he is the Publisher of The Seguin Gazette-Enterprise, a newspaper published in said county; that a copy of the within and foregoing notice was published in said newspaper 1 time(s) before the return day named therein, such publications being on the following dates:

April 11, 2004  
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, ENTITLED "RECORDS MANAGEMENT ORDINANCES AND APPOINTING A RECORDS MANAGEMENT OFFICER; AND PROVIDING A REPEALING CLAUSE."  
Approved on first meeting the 6th day of April 2004  
City Secretary  
Norma Alvarado

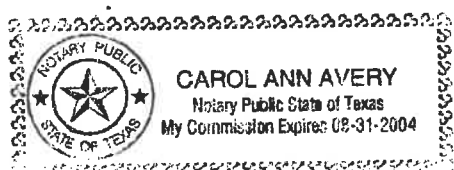
and a newspaper copy of which is hereto attached.

[Signature]

Sworn to and subscribed before me this 12<sup>th</sup> day of

April, A.D., 2004.

[Signature]



... Notary Public, Guadalupe County, Texas

PUBLISHER'S AFFIDAVIT

*Ord. 04-11-13*

THE STATE OF TEXAS,

*41.75*

County of Guadalupe

Before me, the undersigned authority, on this date personally appeared

Tommy Crow, known to me, who, being by me duly sworn, on

his oath deposes and says that he is the Publisher of The Seguin Gazette-Enterprise, a newspaper published in said county; that a copy of the within and foregoing notice was published in said newspaper 1 time(s) before the return day named therein, such publications being on the following dates:

April 25, 2004

ORDINANCE NO. 04-11-13

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS ESTABLISHING RECORDS MANAGEMENT ORDINANCES AND APPOINTING A RECORDS MANAGEMENT OFFICER; AND PROVIDING A REPEALING CLAUSE.

PASSED, APPROVED AND ADOPTED the 20th day of April 2004  
Deputy City Secretary,  
Mary Ybarra

and a newspaper copy of which is hereto attached.

*[Signature]*

Sworn to and subscribed before me this 26<sup>th</sup> day of

April, A.D., 2004.



*[Signature]*

Notary Public, Guadalupe County, Texas