

ORDINANCE NO. 20-M-34

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ TEXAS AMENDING THE CITY CODE OF ORDINANCES ARTICLE I. IN GENERAL, SECTION 2-125 DESIGNATION OF RECORDS MANAGEMENT OFFICER REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title 6, subtitle C, Local Government Code (Local Government Records Act) provides that the 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 by Ordinance 04-M-13 adopted a records management policy 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; and

WHEREAS, at the time the Ordinance was approved the City of Schertz had a Records Department and named a Records Management Officer which was different from the City Secretary; and

WHEREAS, in October 2009 the Records Management Officer moved to a different department and a Designation of Local Government Records Management Officer (RMO) form was sent to the Texas State Library and Archives Commission with a change of designating the City Secretary as the updated Records Management officer; and

WHEREAS, per the Texas State Library and Archives Commission they require some form of governing body approval to change the Records Management Officer for the City of Schertz; and

WHEREAS, by approving this Ordinance a copy will be sent to the Texas State Library and Archives Commission designating the City Secretary as the Schertz Local Government Records Management Officer as provided by State Law; and

WHEREAS, The City Council has determined that it is in the best interest of the City to designate the City Secretary as the Records Management Officer.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ TEXAS THAT:

Section 1. DESIGNATION OF RECORDS MANAGEMENT OFFICER. The City of Schertz Texas desires to designate the City Secretary as the Records Management Officer and assume all duties of the Records Management Officer.

Section 2. The City Secretary shall file his/her name with the Director and Librarian of the State Library within 30 days of the date of designation, as provided by State law.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, THAT THIS ORDINANCE WAS PASSED and APPROVED on first reading this the 27th day of October, 2020.

PASSED, APPROVED and ADOPTED on second reading this the ___ day of _____, 2020.

APPROVED:

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary