

## **ORDINANCE NO. 2023-17**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2. ADMINISTRATION, ARTICLE IV. RECORDS MANAGEMENT PROGRAM; AND AMENDING THE RECORDS MANAGEMENT PLAN**

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

**WHEREAS**, the City of Boerne has adopted policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping; and

**WHEREAS**, it becomes necessary from time to time to make certain changes in ordinances of the City of Boerne, Texas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:**

That Chapter 2. Administration, Article IV Records Management Program, of the Code of Ordinances, City of Boerne, Texas is hereby amended to read in its entirety as follows:

#### **Sec. 2-91. - Definition of municipal 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 them is open or restricted under the laws of the state, created or received by the City of Boerne 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 Boerne 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. 2-92. - Additional definitions.**

*Department head* means the officer who by ordinance, order or administrative policy is in charge of an office of the city that creates or receives records.

*Essential record* means any record of the city 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 state.

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

*Records control schedule* means a document prepared by the Texas State Library and Archives Commission listing the records maintained by the city, their retention periods, and other records disposition information.

*Records ~~liaison~~ **custodian*** means the person designated under section 2-99.

*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 2-95.

*Records management plan* means the plan developed under section 2-96.

*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. 2-93. - Municipal records declared public property.**

All municipal records are hereby declared to be the property of the city. No city official or employee has, by virtue of his or her 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.

### **Sec. 2-94. - Policy.**

It is hereby declared to be the policy of the city 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 their management from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

### **Sec. 2-95. – Designation of records management officer.**

The City Secretary, and the successive holders of said office, shall serve as records

management officer for the city. 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 (30) days of the initial designation or of taking up the office, as applicable.

**Sec. 2-96. - 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 for submission to the city. 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 the city and the 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 article 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 for the city.

**Sec. 2-97. - 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 municipal 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 a form design and control system for the city.
- (7) Provide records management advice and assistance to all city departments by

preparation of a manual or manuals of procedures 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 municipality'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 records ~~liaisons~~ **custodians** and other personnel in policies and procedures of the records management plan and their duties in the records management program.
- (11) Direct records ~~liaisons~~ **custodians** 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 article.
- (12) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the city are 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 or through records destruction authorization requests 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 or as necessary to the city council on the implementation of the records management plan in each department of the city.
- (15) Bring to the attention of the city council any noncompliance by department heads or other municipal personnel with the policies and procedures of the records management program or the Local Government Records Act.

## **Sec. 2-98. Duties and responsibilities of department heads.**

In addition to other duties assigned in this article, department heads shall:

- (1) Cooperate with the records management officer in carrying out the policies and procedures established in the city 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.
- (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 and the requirements of this article.

**Sec. 2-99. - Designation of records liaisons ~~liaisons~~ custodians.**

Each department head shall designate a member of his staff to serve as records liaison ~~liaison~~ custodian 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 (1) records liaison ~~liaison~~ custodian should be designated for a department, the department head shall designate the number of records liaisons ~~liaisons~~ custodians specified by the records management officer. Persons designated as records liaisons ~~liaisons~~ custodians shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the city maintained by the department. In the event of resignation, retirement, dismissal, or removal by action of department head of a person designated as a records liaison ~~liaison~~ custodian, the department head shall promptly designate another person to fill the vacancy. A department head may serve as records liaison ~~liaison~~ custodian officer for his department.

**Sec. 2-100. - Duties and responsibilities of records liaisons ~~liaisons~~ custodians.**

In addition to other duties assigned in this article, records custodians shall:

- (1) Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules.
- (2) In cooperation with the records management officer, coordinate and implement the policies and procedures of the records management program in their departments.
- (3) Disseminate information to department staff concerning the records management program.

**Sec. 2-101. - Records control schedules to be developed; approval; filing with state.**

- (a) In lieu of filing records control schedules, the City of Boerne has adopted record control schedules issued by the Texas State Library and Archives Commission. A Declaration of Compliance with the Records Scheduling Requirement of the Local Government Records Act shall be filed with the Texas State Library and Archives Commission by the records management officer.
- (b) The records control schedules adopted by the Declaration of Compliance may be amended by filing for approval a Supplemental Records Control Schedule (SLR Form 509) on which are listed proposed retention periods for records that do not appear on schedules issued by the commission.

**Sec. 2-102. - 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 2-101 shall be implemented by department heads and records custodians 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 records 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 records liaisons **custodians**.

**Sec. 2-103. - Destruction of unscheduled records.**

In order to destroy records that do not appear on schedules issued by the Texas State Library and Archives Commission and that have not been added by a filed Supplemental Records Control Schedule, a Request for Authorization to Destroy Unscheduled Records (SLR 501) must be filed with the Texas State Library and Archives Commission.

**Sec. 2-104 – 2-119. - Reserved.**

PASSED and APPROVED on first reading this the 25<sup>th</sup> day of April 2023.

PASSED, APPROVED, and ADOPTED on second reading this the \_\_\_\_ day of May 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney