

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2018-111

AN ORDINANCE OF THE CITY OF SANDY OAKS, TEXAS ADOPTING A RECORDS MANAGEMENT PLAN, APPROVING A RECORDS CONTROL SCHEDULE, APPROVING FILING WITH THE STATE, PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title 6, Subtitle C of the Local Government Code 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 City Council of the City of Sandy Oaks adopted Ordinance No. 2015-30 on September 15, 2015 which provides that the Records Management Officer shall prepare and a Records Management Plan for the submission to City Council containing policies and procedures consistent with the Local Government Records Act and in the interest of cost-effective record keeping; and

WHEREAS, the Records Management Officer has submitted to and the City Council desires to accept the Records Management Plan attached hereto as Exhibit "A" and incorporated into his Ordinance for all purposes; and

WHEREAS, the Records Management Plan provides for the automatic use of the most recent State of Texas Records Retention Schedules and the City Council now finds it advantageous to adopt the State of Texas Records Retention Schedules;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:

SECTION 1. FINDINGS. The City Council of the City of Sandy Oaks ("City") finds that the facts and matters set forth in the preamble of this Ordinance are true and correct.

SECTION 2. RECORDS CONTROL SCHEDULES—APPROVAL; FILING WITH STATE.

- (a) The City of Sandy Oaks hereby adopts the appropriate records control schedules issued by the Texas State Library and Archives Commission for use in the City of Sandy Oaks, as provided by law. Any destruction of records of the City of Sandy Oaks will be in accordance with these schedules and the Local Government Records Act.
- (b) The Records Management Officer, in cooperation with department heads and records liaison officers, shall maintain an inventory, on a department-by-department basis, listing all records archived by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of local municipal government records as the records management plan may require.

- (c) The records management officer will monitor the appropriate records control schedules issued by the Texas State Library and Archives Commission to ensure that the City is in compliance with the records retention schedules issued by the state and the records management program of the City.
- (d) Before implementation of the records control schedules issued by the Texas State Library and Archives Commission, this Ordinance, adopting the Texas State Library and Archives Commission records control schedules shall 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 this Ordinance is not accepted for filing, the Ordinance shall be amended to make it acceptable for filing with the state and presented to Council, after which the records management officer shall submit the amended Ordinance to the Director and Librarian.

SECTION 3. SEVERABILITY. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Fate, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED on this 8th day of November, 2018.

CITY OF SANDY OAKS, TEXAS

Karen Mendiola Tanguma
Karen Mendiola Tanguma, Mayor

ATTEST:

Kathy Yelton
Katherine Yelton, City Clerk

CITY OF SANDY OAKS RECORD MANAGEMENT PLAN

1. References.

- (a) Texas State Records Retention Schedule <https://www.tsl.texas.gov/slrn>
<https://www.tsl.texas.gov/slrn/recordspubs/rrs4.html>
- (b) Texas Local Government Act
<https://statutes.capitol.texas.gov/SOTWDOcs/LG/htm/LG.201.htm>
- (c) City of Sandy Oaks Ordinance No. 2015-30

2. **Purpose / Scope.** This Records Management Plan (the "Plan") shall provide for the policies and procedures for the organization, maintenance and disposition, and destruction consistent with the requirements of the Texas Local Government Records Act and as amended in the future. This policy shall apply to all municipal records and be followed by all City employees, elected officials and contractors.

3. **Introduction.** This Plan has been prepared to assist each department in preparing departmental records as part of the City of Sandy Oaks Records Management Program as outlined and governed by the State of Texas Local Government Records Act and City of Sandy Oaks Ordinance No. 2015-30.

Included in this Plan are guidelines necessary for accomplishing each step of a Records Management Program for the City of Sandy Oaks. With the initial phase of inventory through the storage, retrieval and destruction of records, this Plan will be a guide in assisting in the establishment, implementation and maintenance of the City of Sandy Oaks' Records Management Program.

4. **Overview.** Ordinance No. 2015-30 provides that the Records Management Officer shall develop a records management plan for the City for submission to the City Council. While the City follows the Records Management Schedule, there is a need to establish procedures to reduce the costs and improve the efficiency of recordkeeping, protect the essential records of the City and to properly preserve historical records of the City.
5. **Designation and Duties of Records Management Officer.** City Secretary and the successive holders of said office shall be the Records Management Officer of the City of Sandy Oaks as per City of Sandy Oaks Ordinance 2015-30. The point of contact for this Plan is the City Secretary.
6. **Records Liaison Officers.** Each department of the City will designate a Records Liaison Officer who will be responsible to:

- (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.
7. **Policy.** The City of Sandy Oaks, as per City of Sandy Oaks Ordinance 2015-30, is required to comply with the requirements of the Texas Local Government Records Act and accepted records management practices as well as to follow the records retention schedule established by the Texas State Library and Archives Commission. This policy establishes staff procedures for compliance.
8. **Records Retention Schedules.** The Records Management Officer, or his or her designee, shall administer and enforce the State of Texas Records Retention Schedules (Texas RRS) as prepared by the Texas State Library and Archives Commission and other federal, state, and accrediting/regulating requirements, rules, and standards.
9. **Procedures.**
- (a) **Paper.** Twice a year (January and July), the Records Management Officer will direct the review and organization of existing files coordinating with department heads and department liaison officers. Directors and Record Liaison Officers will review and collect excess records that require storage or destruction in accordance with the mandatory retention period outlined in the records retention schedule.

Once identified and collected, the paper records will be assembled in a common area under supervision of the Records Management Officer. The City may contract with a records management company that will assist in the inventory, identification and verification of retention periods, cataloging, labeling, packaging, and inventorying. Those records that are ready to be stored may then be relocated to the City's storage site (also a contracted company).

Those records identified for destruction will be removed and destroyed by the Records Management Officer, or his or her designee. The Records Management Officer, or his or her designee, shall identify the records destroyed, the applicable department, the date destroyed and the applicable policy of the Texas RRS permitting they be destroyed. If the City retains a records management company by contract the records management copy shall provide the Records Management Officer with a certificate of destruction.

The Records Management Officer and/or the records management company shall maintain a library identifying each record and scheduled retention / destruction date. When records maintained at the off-site location are required, the department's Record Liaison Officer will request to the Records Management Officer that the records be retrieved for use. The record storage site will deliver the required records to the City. The Records Management Officer shall recall those records, either stored by the City or the records management company, that are scheduled for destruction in accordance with the records retention schedule. Once these records are assembled, the records management company, the Records Management Officer, and the Records Liaison Officer from each department will review each record and confirm that they meet the criteria for destruction. Those confirmed as scheduled to be destroyed are identified

and destroyed by the Records Management Officer, or his or her designed, or the records management company. A certificate of destruction is provided to the Records Management Officer for record.

(b) **Electronic records.** Electronic records may include electronic mail (email), files, websites, electronic publications, or any other machine readable format. Each year in January, the Records Management Officer will direct the deletion of all electronic records from the fifth year and previous.

- i. **Email.** The City Clerk will coordinate to remove all records from the City's server and will publish the date that historic emails not required to be retained will be deleted. Emails required to be maintained or those of historic significance may be filed based on the content pursuant to the Texas RRS. Employees will remove emails from their archives folder in accordance with the established date. Records Liaison Officers will assist employees as required and will verify that required records will be deleted.
- ii. **Files.** The City Clerk will publish the date that historic files not required to be retained will be deleted. Files required to be maintained or those of historic significance may be retained based on the content pursuant to the Texas RRS. Employees will remove all other files from their computer or server folders in accordance with the established date. Records Liaison Officers will assist employees as required and will verify that required records will be deleted.

(c) **Audio Recordings.** Audio recordings means any medium on which audio (and solely audio) is recorded. Audio recordings are retained ninety (90) days after approval of minutes by governing body (audio records of open meetings for which written minutes are prepared). The Records Management Officer will delete audio recordings that fulfill the retention period during the first week of each month.

(d) **Visual Recordings.** Visual recordings means any medium on which video is recorded. Visual recordings are retained two years after approval of minutes by governing body (visual records of open meetings for which written minutes are prepared). The Records Management Officer will delete video records that fulfill the retention period during the first week of each month.

(e) **Social Media.** Social Media applications may create public records. Any content created or received using a social media application may be considered records and retention is based on content and function. Under the direction of the Records Management Officer, the City Clerk will remove social media records in accordance with the records retention schedule on a periodic basis.

10. **Destruction of Records.** The Records Management Officer shall ensure the records retention schedule requirements have been met before records are destroyed in a manner that preserves confidentiality and maintains records. Exception to the destruction of records as per the Texas Records Retention Schedule if an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit, or if there is a request in writing to the Records Management Officer that the records be retained for an additional period.