

ORDINANCE NO. 185

AN ORDINANCE OF THE CITY OF WALLIS, TEXAS, ESTABLISHING A RECORDS MANAGEMENT PROGRAM; PRESCRIBING POLICIES AND PROCEDURES CONSISTENT WITH THE LOCAL GOVERNMENT RECORDS ACT; ESTABLISHING THE SEVERABILITY OF THIS ORDINANCE AND PROVIDING FOR ANY CONFLICTING PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act, Sections 201 et. seq.) 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 Wallis 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 WALLIS, TEXAS:

Sec. 1. 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 Wallis 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 Wallis 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.

Sec. 2. Additional Definitions

A. Department head means the officer who by ordinance or administrative policy is in charge of an office of the City of Wallis that creates or receives records.

B. Essential record means any record of the City of Wallis necessary to the resumption or continuation of its operations in an emergency or disaster, to the recreation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.

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

D. Records control schedule means a document prepared by, or under the authority of, the Records Management Officer which lists the records maintained by the City of Wallis, their retention periods, and other records disposition information that the records management program may require.

E. 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.

F. Records management officer means the person designated in Section 5. of this Ordinance.

G. Records management plan means the plan developed under Section 6. of this Ordinance.

H. 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. 3. Municipal Record Declared Public Property

All municipal records as defined in Section 1. of this Ordinance are hereby declared to be the property of the City of Wallis. 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.

Sec. 4. Policy

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

Sec. 5. Designation of Records Management Office

The City Secretary shall be the Records Retention Officer, and the successive holders of said office, shall serve as Records Management Officer for the City of Wallis. 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 days of the initial designation or of taking up the office, as applicable.

Sec. 6. 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 of Wallis for submission to the City Council. 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 municipality, and to properly preserve those records of the municipality 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.

B. Once approved by the City of Wallis the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the City of Wallis and 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 record keeping 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 Wallis

Sec. 7. Duties of Records Management Officer

In addition to other duties assigned in this Ordinance, the Records Management Officer shall:

A. Administer the records management program and provide assistance to department heads in its implementation;

B. Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;

C. 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;

D. Develop procedures to ensure the permanent preservation of the historically valuable records of the city;

E. Establish standards for filing and storage equipment and for record-keeping supplies;

F. Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the City of Wallis;

G. 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;

H. Disseminate to the City Council and department heads information concerning state laws and administrative rules relating to local government records;

I. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the City of Wallis are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

J. 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;

K. Report annually to the City Council on the implementation of the records management plan in each department of the City of Wallis including summaries of the statistical and fiscal data compiled under Subsection K.; and

L. Bring to the attention of the City Council non-compliance by department heads or other municipal personnel with the policies and procedures of the records management program or the Local Government Records Act.

Sec. 8. Duties and Responsibilities of Department Heads

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

A. Cooperate with the Records Management Officer in carrying out the policies and procedures established in the City of Wallis for the efficient and economical management of records and in carrying out the requirements of this Ordinance.

B. Adequately document the transaction of government business and the services, programs, and duties for which the Records Management Officer is responsible.

C. Maintain the records in his or her care and carry out their preservation, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the City of Wallis and the requirements of this Ordinance.

Sec. 9. Records Control Schedules to be Developed, Approved, and Filed with the State

A. The Records Management Officer, in cooperation with department heads, shall prepare 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. 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 of Texas, and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the City of Wallis.

C. Before its adoption a records control schedule or amended schedule must be approved by the department head and the City Council of the City of Wallis.

D. Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian 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 records control schedules to the director and librarian.

Sec. 10. Implementation of Records Control Schedules and Destruction of Records Under Schedule

A. A records control schedule for a department that has been approved and adopted under Section 9 shall be implemented by department heads 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 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 City of Wallis.

Sec. 11. Destruction of Unscheduled Records


A. 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 an approved destruction authorization request.

Sec. 12. Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

PRESENTED on the 16th day of March, 2011, and passed and approved by a vote of 5 ayes and 0 nays at a regular meeting of the City Council of the City of Wallis, Texas.

APPROVED and **EXECUTED** this, the 16th day of March, 2011.



Tony I. Salazar Jr. Mayor

ATTEST:



DJ Sommers -- City Secretary