

ORDINANCE NO.: 20-1101

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, TEXAS ESTABLISHING A RECORDS MANAGEMENT PROGRAM; DESIGNATING A RECORDS MANAGEMENT OFFICER; ADOPTING A RECORDS MANAGEMENT PLAN; ADOPTING LOCAL RETENTION SCHEDULES, AS AMENDED, PROMULGATED BY THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION; AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HERewith; AND ADOPTING AN EFFECTIVE DATE.

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 Council of the City of Johnson City, Texas 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 JOHNSON CITY, TEXAS THAT:

SECTION 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 Johnson City, Texas 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 Johnson City, Texas 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.

SECTION 2. ADDITIONAL DEFINITIONS. (1) "Department head" means the officer who by ordinance or administrative policy oversees an office of the City of Johnson City, Texas that creates or receives records.

(2) "Essential record" means any record of the City of Johnson City, Texas 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.

(3) "Permanent record" means any record of the City of Johnson City, Texas for which the retention period on a records control schedule 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 Johnson City, Texas, 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 management officer" means the person designated in Section 5 of this ordinance.

(7) "Records management plan" means the plan developed under Section 6 of this ordinance.

(8) "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 the property of the City of Johnson City, Texas. 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 Johnson City, Texas 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.

SECTION 5. DESIGNATION OF RECORDS MANAGEMENT OFFICER. The Chief Administrative Officer / City Secretary, and the successive holders of said office, shall

serve as Records Management Officer for the City of Johnson City, Texas. 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.

SECTION 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 Johnson City, Texas 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 Council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the City of Johnson City, Texas 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 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 Johnson City, Texas.

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 aid 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 forms design and control system for the City of Johnson City, Texas;

(7) 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 follow state regulations;

(8) disseminate to the City Council and department heads information concerning state laws and administrative rules relating to local government records;

(9) ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the City of Johnson City, Texas are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

(10) 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;

(11) report annually to the City Council on the implementation of the records management plan in each department of the City of Johnson City, Texas, including summaries of the statistical and fiscal data compiled under Subsection (10); and

(12) 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.

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 Johnson City, Texas 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 Johnson City, Texas and the requirements of this ordinance.

SECTION 9. RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH 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 and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the City of Johnson City, Texas.

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

(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 the records control schedules to the director and librarian.

SECTION 10. 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 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 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 by the Records Management Officer from the City Council.

SECTION 11. DESTRUCTION OF UNSCHEDULED RECORDS. 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.

SECTION 12. ADOPTION OF LOCAL RETENTION SCHEDULES. The City Council of the City of Johnson City, Texas adopts the following Texas State Library and Archives Commission local retention schedules: Schedules EL, GR, HR, LC, PS, PW, TX, and UT.

SECTION 13. AUTHORIZATION. The Chief Administrative Officer is hereby authorized to take all necessary steps to implement the provisions of this Ordinance.

SECTION 14. RECITALS. The City Council finds all the above recitals to be true and correct and incorporates the same in this Ordinance as findings of fact.

SECTION 15. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void.

SECTION 16. REPEALER. All ordinances, or parts thereof, including Municipal Code of Ordinances Chapter 1 *General Provisions*, Article 1.07 *Records Management*, that 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 regulated herein.

SECTION 17. EFFECTIVE DATE. This Ordinance shall be effective immediately upon its adoption.


PASSED AND APPROVED by the City Council of the City of Johnson City, Texas on the 10th day of November 2020.

APPROVED:



Rhonda Stell
Mayor

ATTEST:



Rick Schroder
Chief Administrative Officer / City Secretary



Form SLR 504 – Designation of Local Government
Records Management Officer
For non-elected offices in Texas

Submitted pursuant to Local Government Code §203.025

Before filling out this form, ensure that the Records Management policy approved by your governing body under Local Government Code, §203.026 has designated your position as the Records Management Officer (RMO). If the position in the policy has changed, or if the policy names an individual who is no longer serving as RMO, a new policy must be filed with this form.

Records Management Officer (RMO) Contact Information:

Name of Local Government: CITY OF JOHNSON CITY, TEXAS

Position/Title Designated in Policy: CHIEF ADMINISTRATIVE OFFICER / CITY SECRETARY

Name of Individual Designated as RMO: RICK A. SCHRODER

Mailing Address: PO BOX 369

City: JOHNSON CITY, TX Zip Code: 78636

Business email: RSCHRODER@JOHNSONCITYTX.ORG Phone: 830-868-7111

☒ Please subscribe me to The Texas Record for news and training information. <https://www.tsl.texas.gov/slrmblog/>

RMO Signature:  Date: 11/10/20

Please mail original, signed form within 30 days of RMO change to:

State and Local Records Management Division
Texas State Library and Archives Commission
P.O. Box 12927
Austin, TX 78711-2927

Access and download forms, publications and retention schedules
on our website: <https://www.tsl.texas.gov/slrmblog/>

For more assistance: 512-463-7610
slrminfo@tsl.texas.gov



Form SLR 508 – Declaration of Compliance with the Records Scheduling Requirement of the Local Government Records Act

Part 1: Contact Information

Name of Local Government: CITY OF JOHNSON CITY, TEXAS

Mailing Address: PO BOX 369

City: JOHNSON CITY, TEXAS

ZIP code: 78636

Part 2: Local Government Certification

As records management officer for the local government named, I hereby declare records control schedules have been prepared for all records as required by Local Gov. Code §203.041(a) for use in our records management program. I certify that the schedules:

- Comply with the minimum requirements established on records retention schedules issued by the Texas State Library and Archives Commission (as checked below), including retention periods; and
- No retention period on the records control schedules is less than a retention period prescribed by a state or federal law, regulation, or rule of court.

As records management officer, I understand that I shall:

- Assist in establishing and developing policies and procedures for the records management program for the local government;
- Ensure compliance with other duties of records management officer pursuant to Local Gov. Code, §203.023;
- Ensure compliance with Electronic Standards and Procedures, 13 TAC 7, pursuant to Local Gov. Code, §205.002; and
- Ensure compliance with Microfilming Standards and Procedures, 13 TAC 7, pursuant to Local Gov. Code, §204.002.

I declare that this local government will comply with the retention schedule:

☒ Schedule GR (Records Common to All Governments)

I declare compliance with the following additional retention schedules issued by the commission:

(check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Schedule CC (Records of County Clerks) | <input checked="" type="checkbox"/> Schedule PS (Records of Public Safety Agencies) |
| <input type="checkbox"/> Schedule DC (Records of District Clerks) | <input checked="" type="checkbox"/> Schedule PW (Records of Public Works and Services) |
| <input checked="" type="checkbox"/> Schedule EL (Records of Elections and Voter Registration) | <input type="checkbox"/> Schedule SD (Records of Public School Districts) |
| <input checked="" type="checkbox"/> Schedule HR (Records of Public Health Agencies) | <input checked="" type="checkbox"/> Schedule TX (Records of Property Taxation) |
| <input type="checkbox"/> Schedule JC (Records of Public Junior Colleges) | <input checked="" type="checkbox"/> Schedule UT (Records of Utility Services) |
| <input checked="" type="checkbox"/> Schedule LC (Records of Justice and Municipal Courts) | |

RMO Name and Title: RICK A. SCHRODER, CHIEF ADMINISTRATIVE OFFICER / CITY SECRETARY

RMO Signature: [Signature] Date: 11/10/20

Part 3: Acceptance by Texas State Library and Archives Commission (internal use only)

This Declaration of Compliance has:

- ☐ been accepted for filing pursuant to Local Gov. Code §203.041(a)(2). A record appearing on a valid records control schedule may be disposed of at the expiration of its retention period without additional notice to the director and librarian as described in §202.001(a)(1), subject to the provisions of §203.041(d).
- ☐ been accepted for filing subject to the conditions stated in the accompanying letter.

Name and Title: Megan Carey, RMA Manager

Signature: _____ Date: _____