

**RESOLUTION NO. 2016-183
CITY OF SHOREACRES**

RESOLUTION OF THE CITY OF SHOREACRES APPROVING A RECORDS MANAGEMENT PLAN POLICY PURSUANT TO THE LOCAL GOVERNMENT RECORDS ACT; AND, CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND, FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.

* * * *

WHEREAS, the City Council adopted a Records Management Program by Ordinance No. 1990-13 on December 10, 1990; and,

WHEREAS, the City Council desires to approve a Records Management Plan in accordance with City of Shoreacres Code Section 2-196;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES, TEXAS, THAT:

Section 1. The matters and facts recited in the preamble to this Resolution are found to be true and correct and the same are incorporated herein as a part of this Resolution.

Section 2. The Council has reviewed the Records Management Policy and Plan. Upon review, the Council declares that the Records Management Policy and Plan attached hereto as Exhibit "A" is hereby approved and adopted.

Section 3. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND APPROVED this 20th day of June, 2016.

(CITY SEAL)

Kimberly Sanford, Mayor

ATTEST:

David K. Stall, CFM, TEM
City Secretary

M/2		Yea	Nay	N/V	Absent
<input type="checkbox"/>	K. Sanford	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	R. Bowles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	R. Hoskins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	D. Jennings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	J. McKown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	N. Schnell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed _____
David Stall, City Secretary - Date

EXHIBIT A

Records Management Policy & Plan

City of Shoreacres Texas

June 16, 2016

1.0 Purpose

The City of Shoreacres Texas (the City) Records Management Policy (Policy) establishes the framework of rules and guidelines for handling all of the City's records throughout their lifecycle, including creation, access, use, storage, retention, and disposition. This Policy ensures the satisfaction of legal obligations, regulatory requirements, and operational needs for records and their retention by establishing consistent and accountable recordkeeping practices throughout the City.

2.0 Scope

This Policy and subsequent policies, procedures, and standards adopted under the Records Management Program apply to:

- All records created or received in the transaction of the City's business or in the fulfillment of legal obligations, regardless of media or format (e.g., electronic, e-mail, imaged, paper, etc.).
- All appointed officials and elected officials who choose to participate in the City Records Management Program, and all employees, contractors, and agents, who create, receive, manage or use City records in the course and scope of their duties.
- All physical locations where records are maintained, including firms and individuals acting as agents of the City.

This Policy is established and maintained by the Shoreacres City Council and supersedes all previous records management policies, procedures, or standards intended to apply to the subject matter of this Policy.

3.0 Roles and Responsibilities

3.1 Records Management Officer

The Records Management Officer is the senior records official of the City's Records Management Program and is responsible for:

- Overseeing the management of the City's Records Management Programs and ensuring resources are available to assist department heads and elected officials in its implementation;
- Overseeing the planning, formulation of, and prescribing of records policies, systems, standards, and procedures for all city departments;
- Overseeing the operation of the City archives and archival program;
- Ensuring compliance with all City Council reporting requirements
- Overseeing that the maintenance, preservation, imaging, microfilming, destruction, or other disposition of City Records is carried out in accordance with the policies and procedures of the Records Management Program and the requirements of Texas Law; and

- Creating and maintaining management and statistical reports on all aspects of the City's Records Management Program;
- Assisting in establishing and developing policies and procedures for a records management program for the City;
- Assisting in the implementation of the records management program and providing assistance to custodians for the purposes of reducing the costs and improving the efficiency of recordkeeping;
- Monitoring Records Retention Schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the Records Management Program and the City's Records Control Schedules are in compliance with state regulations;
- In cooperation with custodians, identifying and taking adequate steps to preserve City of Shoreacres records that are of permanent value;
- In cooperation with custodians, identifying and taking adequate steps to protect essential City of Shoreacres records;
- In cooperation with custodians, ensuring that the maintenance, preservation, microfilming, destruction, or other disposition of City Records is carried out in accordance with the policies and procedures of the Records Management Program and the requirements of Texas Law;
- In cooperation with the custodians of the records:
 - (A) prepare and file with the director and librarian the records control schedules and amended schedules required by Section 203.041 of the Texas Local Government Code, as amended, and the list of obsolete records as provided by Section 203.044; and
 - (B) prepare or direct the preparation of requests for authorization to destroy records not on an approved control schedule as provided by Section 203.045 of the Texas Local Government Code, as amended, of requests to destroy the originals of permanent records that have been microfilmed as provided by Section 204.008, and of electronic storage authorization requests as provided by Section 205.007.
- Instructing and training Department Heads or other personnel in policies and procedures of the Records Management Program and their duties in the Records Management Program and the requirements of Texas law;
- Collaborating with Department Heads or other personnel in the conduct of records inventories in preparation for the development and/or update of Records Control Schedules and the requirements of Texas law;

- Acting as the Records Custodian for those records for which the office of origin cannot be determined and also for records of defunct offices unless the records have been transferred to the custody of another City office;
- Disseminating to the governing body and custodians information concerning state laws, administrative rules, and the policies of the government relating to local government records; and
- In cooperation with custodians, establishing procedures to ensure that the handling of records in any context of the records management program by the records management officer or those under the officer's authority is carried out with due regard for:
 - (A) the duties and responsibilities of custodians that may be imposed by law; and
 - (B) the confidentiality of information in records to which access is restricted by law.

3.2 Records Management Advisory Committee

The Records Management Advisory Committee is comprised of the Mayor, Records Management Officer and the City Attorney.

- Reviews and approves all destruction of records whether in accordance with an approved Records Control Schedule or in accordance with the TEX. LOC. GOV'T CODE § 203.045, as amended.
- Reviews and approves Records Control Schedules before they are submitted to the Texas State Library

3.3 Mayor, City Attorney, Records Management Officer, and Department Records Custodian

These individuals and/or departments or rulings are responsible for:

- Authorizing suspension of the routine destruction of records by issuing destruction holds to support ongoing audits, litigation, Public Information Act Requests and other events;
- Authorizing the release of destruction holds;
- Notifying the Records Management Officer of significant changes in the City's organization and/or regulatory changes that necessitate a review of the City's records management policies and procedures and the Records Control Schedules.

3.4 Department Heads

Department Heads are responsible for:

- Designation of Custodians of Public Records and/or Officers for Public Information for their offices to comply with Public Information Act requests, subpoenas, and other requirements to verify the validity of the records for their offices;
- Cooperating with the Records Management Officer in carrying out the policies and procedures established in for the efficient and economical management of City records;
- Maintaining the records in his or her care and carrying out their arrangement, description, preservation, (including, if necessary their microfilming or electronic copying), and disposition only in accordance with the policies and procedures of the Records Management Program of the City and the Texas Local Government Records Act.
- Assisting the Records Management Officer in the development of Records Control Schedules;
- Coordinating and implementing, in cooperation with the Records Management Officer, the policies and procedures of the Records Management Program in their department; and
- Disseminating information to department staff concerning the Records Management Program.

3.5 City Employees, Contractors, Agents

All City employees, contractors and agents have a responsibility to comply with records management policies and procedures and relevant laws and regulations. Specific responsibilities include:

- Creating, receiving, and managing records as part of their daily work according to established policies and procedures;
- Evaluating paper and electronic records to determine their appropriate classification and storage requirements; and
- Disposing of records according to established records management policies and procedures.

4.0 Ownership of Records

All City of Shoreacres records, documents, and information regardless of physical form and regardless of whether public access is open or restricted are hereby declared to be public property with title vested in City of Shoreacres. No City official or employee has by virtue of his or her position any personal or property rights to them even though he or she may have developed or compiled them. City of Shoreacres forbids the unauthorized destruction, removal, or use of its records and information. The City reserves the right to access and review the content of any records or information created, stored, transmitted or received using City computers or other City resources except as provided by law, employees should not expect any right to privacy with respect to such records.

5.0 Records Lifecycle Management

5.1 Creation and Capture

Records provide documentation of governmental business transactions, decisions, operations, and other official activities. The latest, complete, and final version of a record constitutes an Official Record. All drafts, duplicates, and convenience copies are Transitory Records to be retained as long as they are of administrative value or as otherwise required by law, regulation, or this policy. All records should be created and composed in a professional and concise manner using appropriate language and facts. Employees, contractors, and agents are expected to capture and retain City records in an approved recordkeeping system.

5.2 Use and Access

Public records must be available both for business purposes and, except as where otherwise provided for by law, accessible to the public to comply with our society's commitment that the people have complete information about the affairs of government and the official acts of public officials and employees. All City employees, contractors, and agents must take reasonable steps to protect the security of records and information and to prevent unauthorized access to those documents excepted from disclosure by the Public Information Act or made confidential by other law or regulation. They must behave ethically in relation to their privileged access to information.

Misappropriation of records, or giving access to another person who is not authorized, is strictly prohibited.

Records within a given department may be accessed for operational purposes only by employees designated by the Department Head. Access to others may be granted by the Department Head, based on the business need.

The Records Management Officer has access, to the extent allowed by law, to all records for litigation, investigation, and audit support.

5.3 Storage

Records are considered active while they relate to current or in-process activities and are referenced regularly; records become inactive when the activities they refer to are closed or completed or they are no longer referenced regularly. Active records must be stored in an approved recordkeeping system (whether manual or electronic).

Active records must be reviewed regularly to dispose of records that have no administrative value and move inactive records to inactive storage, flagged for destruction review or preservation as historical records.

Inactive records must be stored to ensure their protection, usability, and integrity for the period of time prescribed in the Records Control Schedule(s). Records must be stored on City premises or in an

approved off-site storage facility. Storage facilities, whether on-site or off-site, must protect records from environmental or other physical harm and from unauthorized access.

5.4 Retention

The City Records Control Schedule(s) are the only retention policies authorized for City use. The Records Control Schedule(s) identify and describe Official Records of the City and specify how long each record must be retained based on its operational, legal, or historical value to the City, along with the two exceptions below.

The first exception is a destruction hold, which is an order to preserve and protect records during or in anticipation of litigation, investigation, inspection, or audit. The duty to preserve records subject to destruction hold supersedes the scheduled retention and destruction of records. Under a hold order all records including records that have no administrative value may be retained for longer than the period prescribed in the Records Control Schedule(s) and may not be destroyed, even if otherwise eligible, until the hold order is lifted.

The second exception is an expunction order which is a court order that requires the destruction of all case files, offense reports, investigations, and other records relating to a criminal case.

Upon receipt of an expunction order it becomes the duty of every recipient to comply with the instructions of the court, typically destroying or returning the case files to the court, obliterating names in dockets and indexes, deleting electronic files and otherwise destroying or altering records associated with the case to protect the identity of the accused.

5.5 Final Disposition

When Official Records have been retained for their full retention period and are no longer subject to any destruction hold, they must be properly disposed, according to procedures outlined in the Records Management Procedures Manual.

Any remaining Transitory Records that have no administrative value should be destroyed at this time. Department heads at their discretion may authorize retention of Transitory Records for reference purposes provided that such copies do not violate the privacy of citizens or compromise the interests of City of Shoreacres. Departments shall categorize such documents under the appropriate category established for reference documents, along with an appropriate retention period.

Premature destruction of Official Records is expressly prohibited. Destruction of confidential Official Records should be carried out only in accordance with the confidential destruction procedures outlined in the Records Management Procedures Manual.

6.0 Related Policies

This Policy is supplemented by the following City policies and any others issued relating to records management. Employees are advised to review this documentation for additional information:

- Records Control Schedule(s)
- Records Management Procedures Manual
- Computer, email, and Internet Policy
- City Personnel Rules

7.0 Compliance

Each City department is responsible for implementing this Policy and ensuring ongoing compliance with it, the Records Control Schedule(s), and any related procedures or guidelines issued by the Records Management Department.

Departments are required to demonstrate their compliance annually and are subject to internal audit of their recordkeeping practices.

Any violation of this Policy may result in disciplinary action, up to and including termination of employment and the possibility of civil or criminal liability.

8.0 Policy Amendment

This Policy is subject to change and will be reviewed annually to determine changes in legal, regulatory, or operational requirements for records management and retention. Any deviation from this Policy requires the approval of the Records Management Officer and the City Attorney prior to submission to City Council for review and approval.

9.0 Glossary

The following definitions shall apply in the application of this Program.

“Archives” shall mean that section of the City’s Records Management program to which permanent records no longer needed for the operational needs of the creating department are transferred to for preservation and public access.

“Custodian of Public Records” shall mean the Records Custodian or the person appointed by the Department Head to receive and process such requests as subpoenas and to verify the validity of records produced in response to such a request.

“Department Head” shall mean any officer who is in charge of a department of City of Shoreacres that creates or receives records.

“Essential Record” shall mean any record necessary to the resumption or continuation of operations of City of Shoreacres in an emergency or disaster, to the re-creation of the legal and financial status of City of Shoreacres, or the protection and fulfillment of obligations to the people of Texas.

“Official Record” shall mean the latest, complete, and final version of a record.

“Permanent Record” shall mean any record of City of Shoreacres for which the retention on the approved Records Control Schedule is given as “permanent.”

“Records” shall mean all documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, and other information recording media, regardless of physical form or characteristics and regardless of whether public access is open or restricted under the laws of the state of Texas, created or received by City of Shoreacres or any of its officers or employees pursuant to law or in the transaction of public business. It does not include blank forms, stocks of publications, reference material, or correspondence and messages of a personal or professional nature than an employee or official may keep at his or her offices that do not document public business.

“Records Custodian” shall mean the appointed or elected public official who is in charge of a City of Shoreacres office that creates or receives City of Shoreacres records.

“Records Management Advisory Committee” shall mean the committee established under Section 3.2 of this Plan.

“Records Control Schedule” shall mean a document prepared by or under the authority of the Records Management Officer listing the records maintained by City of Shoreacres, their retention periods in accordance of the Texas Local Government Records Act. TEX. LOC. GO’S Code §§ 203.001 et seq., as amended, and other records disposition information that the records management program may require.

“Retention period” shall mean 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.

“Records of no administrative value” shall mean all preliminary drafts, duplicates, and convenience copies.

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