

**RESOLUTION No. 2016-216  
CITY OF SHOREACRES**

A RESOLUTION ADOPTING A WRITTEN POLICY TO ALLOW ONLY AUTHORIZED CITY PERSONNEL TO HAVE ACCESS TO CITY ELECTRONIC RECORDS AND RESTRICT THE MAYOR FROM ACCESS THAT COULD LEAD TO THE ALTERATION, MANIPULATION OR ERASURE OF CITY ELECTRONIC RECORDS ; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND, PROVIDING AN EFFECTIVE DATE HEREOF.

\* \* \* \*

WHEREAS, The City of Shoreacres (hereinafter sometimes "City") believes that that it is the inherent responsibility of the City officers who create, receive and maintain public records to ensure their safekeeping and availability to the public.

WHEREAS, the City reasons that security should aim to minimize unauthorized addition, modification, alteration, erasure or deletion of data, records and documents.

WHEREAS, the City contends City electronic records are to be maintained in a manner consistent with accountability requirements.

WHEREAS, the City needs to ensure procedures are in place that achieve the following goals: 1) ensure that only authorized personnel have access to electronic records, 2) backup and recovery of records to protect against information loss, 3) personnel are trained in how to safeguard sensitive or classified electronic records, 4) minimize risk of unauthorized alteration or erasure of electronic records; and, 5) ensure the electronic records security is included in computer systems security plans.

WHEREAS, the City expressly restricts access to City electronic records to only authorized personnel, including the City Administrator and/or his/her authorized designee.

WHEREAS, the City wishes to restrict the Mayor of the City from having access that could lead to the alteration, manipulation or erasure of City electronic records.

WHEREAS, Section 22.042 of the Texas Local Government Code identifies the powers of the Mayor of the City. No clause within section 22.042 expressly allows the Mayor the right or power to have access that could lead to the alteration, manipulation or erasure of City electronic records.

WHEREAS, Section 102.001 of the Texas Local Government Code states the Mayor serves as the budget officer for the governing body. However, no clause within section 102.001 expressly allows the Mayor the right or power to have access that could lead to the alteration, manipulation or erasure of City electronic records.

WHEREAS, even though this Resolution restricts the Mayor's right to have access that could lead to the alteration, manipulation or erasure of City electronic records, nothing herein shall prevent the Mayor of the City from obtaining or viewing tangible, hard copies of any City document in her official capacity as Mayor.

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

Section 1. The City wishes to restrict access to City electronic records to only authorized personnel, including the City Administrator and/or his/her authorized designee.

Section 2. The City restricts the Mayor of the City from having access that could lead to the alteration, manipulation or erasure of City electronic records.

Section 3. Nothing herein shall prevent the Mayor of the City from obtaining or viewing tangible, hard copies of any City document in her official capacity as Mayor.

Section 4. 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.

Section 5. This Resolution shall take effect immediately upon passage.

PASSED AND APPROVED, this 28th day of November, 2016.

( CITY SEAL )

CITY OF SHOREACRES

By: \_\_\_\_\_

Kimberly Sanford, Mayor

ATTEST:

Mayor has returned this document without a signature

David K. Stall, CFM, TEM  
City Secretary

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

Passed / Failed

11.28.16  
David Stall, City Secretary - Date

# City of Shoreacres



## RECONSIDERATION

The below referenced ordinance or resolution, a copy of which is attached hereto was considered and passed by City Council on December 6, 2016.

### Ordinance/Resolution

No. R-2016-216

### Caption

AN RESOLUTION ADOPTING A WRITTEN POLICY TO ALLOW ONLY AUTHORIZED CITY PERSONNEL TO HAVE ACCESS TO CITY ELECTRONIC RECORDS AND RESTRICT THE MAYOR FROM ACCESS THAT COULD LEAD TO THE ALTERATION, MANIPULATION OR ERASURE OF CITY ELECTRONIC RECORDS ; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND, PROVIDING AN EFFECTIVE DATE HEREOF.

On December 1, 2016, Resolution No. 2016-216 was vetoed by the Mayor and sent back to City Council unsigned for reconsideration. A copy of the Return for Reconsideration is attached hereto.

On December 6, 2016, City Council met and reconsidered Resolution No. 2016-216.

### Certification of Reconsideration, Approval, and Adoption

I hereby certify that Resolution No. 2016-216 was reconsidered and passed by City Council on December 6, 2016, and as a result thereof is effective immediately without the mayor's signature.

  
 \_\_\_\_\_  
 David K. Stall, CFM, TEM  
 City secretary

12.07.2016  
 \_\_\_\_\_  
 Date

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

Passed / Failed 12.7.16  
 \_\_\_\_\_  
 David Stall, City Secretary - Date

## Veto

Post by KimSanford » Thu Dec 01, 2016 11:13 am

Council:

I have vetoed all 3 items passed on Monday. The issue for the past three yrs has been stagnant water not a clean water break. The clean water break is something that has happened in the past couple months and has not been the center of the majority of the complaints. The health issue is from stagnant water and raw sewage. I also don't agree with passing an ordinance for one house. I don't believe passing the ordinance to cut someone's water off is appropriate. If they pay for the water, it's theirs bought and paid for the city cannot cut their water off except for non payment.

With regards to the budget amendment, we have almost exhausted our budget for attorney fees. Bowles stated on the record he has "personal" issue with me and was the reason behind his ordinance removing access to the books. Mr. Bowles, you are not allowed to vote on issues that are personal and using your seat for personal vendetta is official misconduct. Additionally, I believe your statements slanderous. You have at almost every council meeting proposed something against the Mayor which the citizens have to pay for. I believe what you are doing is official oppression and I will be pursuing litigation against you personally.

With regard to the removal of access, Mr. Stall has ran our city bills through his personal credit cards for eleven years, he has refused access to those statements. Council has attempted to charge Mayor expenses for my request for copies of all payments to Mr. Stall which I'm entitled to in my official capacity at no charge. Additionally, council passed a resolution requesting I reimburse the city for a Open Records Request I made as a citizen. I believe this to be in violation of the public information act. If the city was going to charge me for my request they are required by law to send me an invoice notifying me of the cost prior to releasing the information. The city can not charge me months later for a ORR I already received. If there was any cash back rewards or anything similar that Mr. Stall received as a result of running the city bills through his credit card, I believe that belongs to the city but I don't know what benefit he has received because he refuses to provide copies of those which I believe to be public information. I am entitled to access as the budget officer. Mr. Stall has shredded time sheets and maneuvered sick time. I do not trust him to give me what I asked for. Additionally, under state law I am to inspect the conduct of municiple officers. Your interfering with that duty by not allowing me to see the books in their true form. This raises even more concern for me.

Finally, I believe Bowles should have to reimburse the citizens for attorney fees that he has racked up having the attorney research and draft ordinances against myself. I believe the attorney also needs to reimburse the citizens for the bad advice he gave council last year that cost the city thousands in tax dollars as well as the tax money spent for the attorney to discuss David Stalls contract with David Stall. The city should not be footing the bill for council to attack other council members either. Get your own attorney and stop spending the citizens tax dollars.

Mayor Sanford