

**ORDINANCE NO. 0046  
AMENDMENT NO. 1**

**AN ORDINANCE AMENDING ORDINANCE NO. 0046 (TO ADOPT AMENDMENT NO. 1), RELATING TO THE RECORDS MANAGEMENT PROGRAM OF THE TOWN OF HORIZON CITY TO REVISE THE ORDINANCE IN ITS ENTIRETY AND UPDATE THE PROGRAM AND PROCEDURES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, REPEALER, AND SEVERABILITY.**

**WHEREAS,** the City Council of the Town of Horizon City (“City Council”) is authorized by the Texas Government Code, Section 51.001, to adopt an ordinance that is for the good government, peace, or order of the City and is necessary or proper for implementing a power granted by law to the City; and

**WHEREAS,** Title 6, subchapter 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 previously adopted Ordinance No. 0046 to establish the records management program in the Town of Horizon City; and

**WHEREAS,** the City Council desires to adopt this ordinance to amend Ordinance No. 0046 in its entirety to update provisions regarding the program 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 TOWN OF HORIZON CITY, TEXAS that;**

**ARTICLE I. ADOPTION OF THE ORDINANCE**

Pursuant to Sections 51.001 and 51.012 of the Texas Local Government Code, the City Council of the Town of Horizon City hereby enacts and adopts this ordinance amending Ordinance No. 0046 in its entirety. The prior provisions of Ordinance No. 0046 are hereby replaced in their entirety, as set forth below.

## **SECTION 1. DEFINITIONS**

- A. "Department head" means an employee, who by ordinance or administrative policy is in charge of an office of the Town of Horizon City that creates or receives records.
- B. "Essential record" means any record of the Town of Horizon City 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 city.
- C. "Municipal record" means 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 Town of Horizon City or any of its officers or employees pursuant to law or in the transaction of public business. The municipal records of the Town of Horizon City 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.
- D. "Permanent record" means any record of the Town of Horizon City for which the retention period on a records control schedule is given as permanent.
- E. "Records control schedule" means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the Town of Horizon City, their retention periods, and other records disposition information that the records management program may require.
- F. "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.
- G. "Records management officer" means the person designated in Article I, Section 5 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.

## **SECTION 2. MUNICIPAL RECORDS DECLARED PUBLIC PROPERTY**

All municipal records as defined in Article I, Section 1 of this ordinance are hereby declared to be the property of the Town of Horizon City. 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 3. POLICY**

It is hereby declared to be the policy of the Town of Horizon City 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 4. DESIGNATION OF RECORDS MANAGEMENT OFFICER**

The City Clerk, and the successive holders of said office, shall serve as Records Management Officer for the Town of Horizon City. 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 5. 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 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 recordkeeping supplies;
- F. study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the Town of Horizon City;
- 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 Town of Horizon City are carried out in accordance with the procedures of the records management program and the requirements of state law; and
- 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.

#### **SECTION 6. 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 procedures established in the Town of Horizon City for the efficient and economical management of records and in carrying out the requirements of this ordinance and state law;
- B. 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  
C. maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the procedures of the records management program of the Town of Horizon City and the requirements of this ordinance and state law.

## **SECTION 7. RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE**

- A. The Records Management Officer shall maintain the records control schedule, listing all records series created or received by the department and the retention period for each series, as an essential part of a records management program for the Town of Horizon City and update the schedule as necessary.
- B. The records control schedule shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the Town of Horizon City and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the schedule.
- C. 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 Town of Horizon City.
- D. Before its adoption a records control schedule or amended schedule for a department must be approved by the department head and the City Council.
- E. 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 8. 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 7 shall be implemented by department heads. Department heads are responsible for compliance with the procedures of the Records Management Officer, to include his or her submission, review and authorization, prior to any destruction of records.
- 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.

## **SECTION 9. 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.

**ARTICLE II. AMENDMENT OF ORDINANCE NO. 0046**

That the provisions of Ordinance no. 0046 (An ordinance Establishing a Records Management Program to be Administered by the Records Management Officer for the Town of Horizon City, Texas), adopted September 14, 1993, are hereby replaced in their entirety with the adoption of this amendment to Ordinance No. 0046.

**ARTICLE III. FINDINGS OF FACT**

That this ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinance, and such is evidenced by the signatures below; and further that the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

**ARTICLE IV. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the effect of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**ARTICLE V. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

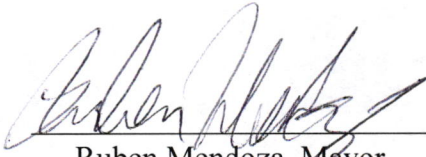
**ARTICLE VI. PROPER NOTICE AND MEETING**

It is officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52, Texas Local Government Code.


PASSED AND APPROVED this the 12th day of April 2016, by a vote of 6 (ayes) to 0 (nays) to 0 (abstentions) of the Town Council of Horizon City, Texas.

(signatures appear on the following page)

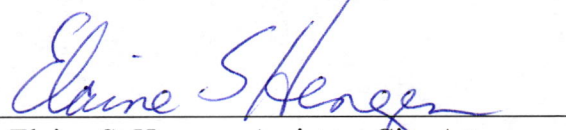
**Town of Horizon City**

By:   
\_\_\_\_\_  
Ruben Mendoza, Mayor

**ATTEST:**

By:   
\_\_\_\_\_  
Elvia Schuller, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Elaine S. Hengen, Assistant City Attorney

First Reading: 3/29/2016  
Second Reading: 4/12/2016