

Texas State Library and Archives Commission

SUGGESTED POLICY MODEL FOR ESTABLISHING A RECORDS MANAGEMENT PROGRAM BY ORDINANCE IN A SMALL COUNTY

If you have questions concerning this model,
please call the State Library's
State and Local Records Management Division
at 512-463-7610

The Texas Local Government Records Act of 1989 (Title 6, Subtitle C, Local Government Code) requires that each local government, including counties, designate a records management officer and establish a records management program by ordinance, order, or resolution, as appropriate, no later than January 1, 1991. The model ordinance below, designed for small counties, may be used to satisfy this requirement of the Act.

A copy of the ordinance, as adopted, must be filed with the director and librarian of the Texas State Library, the executive and administrative officer of the Texas Library and Archives Commission.

MODEL ORDINANCE

RECORDS MANAGEMENT PROGRAM

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act) provides that a county must establish by ordinance an active and continuing records management program to be administered by a Records Management Officer; and

WHEREAS, Titus County, 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 COMMISSIONER'S COURT OF TITUS COUNTY, TEXAS

SECTION 1. DEFINITION OF COUNTY 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 Titus County, 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 Titus County, 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 is in charge of an office of Titus County, Texas that creates or receives records.

(2) "Essential record" means any record of Titus County, 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 Titus County, 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 Titus County, 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. COUNTY RECORDS DECLARED PUBLIC PROPERTY. All county records as defined in Sec. 1 of this ordinance are hereby declared to be the property of Titus County, Texas. No county 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 Titus County, Texas to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all county 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 County Judge and the successive holders of said office, shall serve as Records Management Officer for Titus County, Texas for all non-elected offices as well as said office. 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 Titus County, Texas for submission to the Commissioner's Court. 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 county, and to properly preserve those records of the county 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 Commissioner's Court the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of Titus County, 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 Titus County, Texas.

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 Titus County, 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 Titus County, 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 non-elected 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 county 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 Titus County, Texas.

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

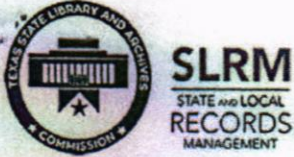
(d) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit 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 Commissioner's Court.

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.



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: Titus County, Texas

Position/Title Designated in Policy: Records Management Officer

Name of Individual Designated as RMO: Brian P. Lee, County Judge

Mailing Address: 100 W. 1st Street, Suite 200

City: Mount Pleasant Zip Code: 75455

Business email: titusjudge@gmail.com Phone: 903-577-6791

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

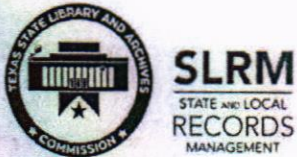
RMO Signature:  Date: Dec 9, 2019

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/slr>

For more assistance: 512-463-7610
slrinfo@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: Titus County, Texas

Mailing Address: 100 W. 1st Street

City: Mount Pleasant

ZIP code: 75455

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:

[X] Schedule GR (Records Common to All Governments)

I declare compliance with the following additional retention schedules issued by the commission: (check all that apply):

- [X] Schedule CC (Records of County Clerks)
[X] Schedule DC (Records of District Clerks)
[X] Schedule EL (Records of Elections and Voter Registration)
[X] Schedule HR (Records of Public Health Agencies)
[X] Schedule LC (Records of Justice and Municipal Courts)
[X] Schedule PS (Records of Public Safety Agencies)
[X] Schedule PW (Records of Public Works and Services)
[X] Schedule TX (Records of Property Taxation)
[] Schedule SD (Records of Public School Districts)
[] Schedule UT (Records of Utility Services)

RMO Name and Title: Brian P. Lee

RMO Signature: [Handwritten Signature]

Date: Dec 9, 2019

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: