

ORDINANCE NO 1.01

AN ORDINANCE ESTABLISHING A RECORDS RETENTION POLICY
FOR THE CITY OF MERZTON; CONTAINING A CUMULATIVE CLAUSE;
CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING
FOR A PENALTY; AND ORDERING PUBLICATION

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 of Mertzton desires to adopt an ordinance for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interest of cost effective and efficient record keeping;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MERTZON:

SECTION ONE. Records Retention Policy for the City of Mertzton which shall hereafter read as follows:

A. DEFINITION OF 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 it is open or restricted under the laws of the state, created or received by the City of Mertzton 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 Mertzton 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.

B. ADDITIONAL DEFINITIONS:

1. "Department Head"/ "Custodian of Records" means the officer who by ordinance, order, or administrative policy is in charge of a department of the City of Mertzton that creates or receives records.

2. "Essential record" means any record of the city of Mertz on necessary to the resumption or continuation of operations of the City of Mertz on in an emergency or disaster, to the recreation of the legal and financial status of the City of Mertz on, or to the protection and fulfillment of obligations to the people of the state.

3. "Permanent record" means any record of the City of Mertz on 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 Mertz on, 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 record keeping. 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 "E" of this section of this ordinance.

7. "Records management plan" means the plan developed under "G" of this section 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.

9. "Director and Librarian" means the executive and administrative officer of the Texas State Library and Archives Commission.

C. RECORDS DECLARED PUBLIC PROPERTY: All records are defined above are hereby declared to be the property of the city of Mertz on. No 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.

D. **POLICY:** It is hereby declared to be the policy of the City of Mertzon to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipality records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

E. **DESIGNATION OF RECORDS MANAGEMENT OFFICER:** The Office of the City Secretary, and the successive holders of said office, shall serve as Records Management Officer for the City of Mertzon. As provided by the 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 (30) days of the initial designation or of taking up the office, as applicable.

F. **RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN:**

1. The Records Management Officer, City Administrator, Mayor and Custodian of Records shall develop a records management plan for the City of Mertzon for submission to the City Council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of record keeping, 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.

2. 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 Mertzon and records shall be created, maintained and stored.

3. State law relating to the duties, other responsibilities, or record keeping 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 Mertzon.

G. **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 provide assistance to department heads/Custodian of Records in its implementation;

2. Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;

3. In cooperation with Department Heads/ Custodian of records, identify essential records and establish a disaster plan for each City of Mertzon 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 record keeping 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 Mertzon;

7. Provide records management advice and assistance to all municipality departments;

8. 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;

9. Disseminate to the City Council and Department Heads/Custodian of Records information concerning state laws and administrative rules relating to local government records;

10. Instruct personnel in policies and procedures of the records management plan and their duties in the records management program;

11. Direct personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this ordinance;

12. Ensure that the maintenance, preservation, destruction, or other disposition is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

13. Maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

14. Report annually to the City Council on the implementation of the records management plan in each department of the city of Mertzon, including summaries of the statistical and fiscal data compiled under "13" above; and

15. Bring to the attention of the City Council noncompliance by department heads or other City personnel with the policies and procedures of the records management program or the Local Government Records Act.

I. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS/CUSTODIAN OF RECORDS: In addition to other duties assigned in this ordinance, Department Heads/Custodian of Records shall:

1. Cooperate with the Records Management Officer in carrying out the policies and procedures established in the City of Mertz on 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, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the City of Mertz on and the requirements of this ordinance.

J. RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE:

1. The Records Management Officer, in cooperation with Department Heads/Custodian of Records, shall prepare records control schedules on a department by department basis listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of municipal records as the records management plan may require.
2. Each records control schedule shall be monitored and amended as needed by the Records Management Officer of 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 record keeping procedures and needs of the department and the records management program of the city,
3. Before its adoption, a records control schedule or amended schedule for a department must be approved by the Department Head/Custodian of Records, City Administrator and Mayor.
4. 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 of the Texas State Library and Archives Commission. Definition of director and librarian under "9" in definitions.

K. IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE:

1. A records control schedule for a department that has been approved and adopted under "G" of this section shall be implemented by Custodian of

Records/Department Heads according to the policies and procedures of the records management plan.

2. 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 lawsuit, or the Department Head/Custodian of Records requests in writing to the City Administrator, Mayor and Records Management Officer that the records be retained for an additional period.

3. 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.

L. 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 TWO. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION THREE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Mertzon hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FOUR. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in the Local Government Records Act. An offense under this section is a Class A misdemeanor.

SECTION FIVE. The City Administrator is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by law as an alternative method of publication.

The above and foregoing ordinance was duly proposed and read in full on first reading, the 7th day of April, A.D., 2025, and finally adopted by the following vote upon motion of Councilmember Bundley, seconded by Councilmember Councilman, on the 7th day of April, A.D., 2025, at a regular meeting of the City Council:

PASSED AND APPROVED THIS 7th day of April, A.D., 2025



Aubrey Stewart,

Mayor

ATTEST:



Michele Rabenaldt

City Administrator

Records Retention Schedules

The following Records Control Schedules have been adopted by the City Of Mertz on in compliance of the Texas State Library and Archives Commission. We will be adopting and following the schedules listed below.

1. GR: Records Common to All Local Governments
2. EL: Records of Elections and Voter registration
3. HR: Records of Public Health Agencies
4. LC: Records of Justice and Municipal Courts
5. PS: Records of Public safety Agencies (Polic, Fire, EMS, ME, etc.)
6. PW: Records of Public Works and other Government Services
7. TX: Records of Property Taxation
8. UT: Records of Utility Services.

Not all sections are applicable to the City of Mertz on. To reference and for further information please refer to the Notebook of Retention Schedules kept in the City of Mertz on Offices. The retention schedules provide information on how long documents are to be kept or when they can be destroyed and how to be disposed of properly. Documents will be kept for the minimum time listed under each Retention Schedule section. The retention schedules can also be found on <http://www.tsl.texas.gov/slrn/localretention>.