

# ORDER

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

**WHEREAS**, the County of Webb desires to adopt an Order 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 COMMISSIONERS COURT OF WEBB COUNTY

**SECTION 1. DEFINITIONS 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 it is open or restricted under the laws of the state, created or received by Webb County 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 Webb County and shall be created, maintained, and disposed of in accordance with the provisions of this Order or procedures authorized by it and in no other manner.

**SECTION 2. ADDITIONAL DEFINITIONS.** (1) "Department head" means the officer who by Constitution, Statute order, or administrative policy is in charge of an office of Webb County that creates or receives records.

(2) "Essential record" means any record of Webb County necessary to the resumption or continuation of operations of the County in an emergency or disaster, to the re-creation of the legal and financial status of the County, or to the protection and fulfillment of obligations to the people of the State.

(3) "Permanent record" means any record of Webb County 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 Webb County, 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 liaison officers" mean the persons designated under Section 10 of this Order.

(7) "Records management committee" means the committee established in Section 6 of this Order.

(8) "Records management officer" means the person designated in Section 5 of this Order.

(9) "Records management plan" means the plan developed under Section 7 of this Order.

(10) "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 order are hereby declared to be the property of Webb County. 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 Webb County 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 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.

**SECTION 5. DESIGNATION OF RECORDS MANAGEMENT OFFICER.** The Webb County Commissioners Court shall designate an individual, employed by the County, to serve as Records Management Officer of Webb County. In the event of the resignation, retirement, dismissal, or removal by action of the Commissioners Court of the individual so designated, the Commissioners Court shall promptly designate another individual to serve as Records Management Officer. The individual designated as Records Management Officer shall file his or her name with the director and librarian of the Texas State Library within thirty days of the date of designation, as provided by state law.

**SECTION 6. ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES.**  
A Records Management Committee consisting of the County Attorney, County Auditor, County Clerk, District Clerk, the President of the County Historical Commission, a rotating Commissioner,

and a rotating Elected Officer, each of the last two members to serve a two-year term is hereby established. The committee shall:

- (a) assist the Records Management Officer in the development of policies and procedures governing the records management program;
- (b) review the performance of the program on a regular basis and propose changes and improvements if needed;
- (c) review and approve records control schedules submitted by the Records Management Officer;
- (d) actively support and promote the records management program throughout Webb County.

**SECTION 7. RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN.** (a) The Records Management Officer and the Records Management Committee shall develop a records management plan for Webb County for submission to the Commissioners 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 Order effectively.

- (b) Once approved by the Commissioners Court the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of Webb County 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 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 Order 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 Webb County.

**SECTION 8. DUTIES OF RECORDS MANAGEMENT OFFICER.** In addition to other duties assigned in this Order, the Records Management Officer shall:

- (1) administer the records management program and provide assistance to department heads in its implementation;
- (2) plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (3) in cooperation with department heads identify essential records and establish a disaster plan for each County 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 County;

(5) establish standards for filing and storage equipment and for recordkeeping supplies;

(6) study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for Webb County;

(7) provide records management advice and assistance to all County departments by preparation of a manual or manuals of procedure and policy and by on-site consultation;

(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 County's records control schedules are in compliance with state regulations;

(9) disseminate to the Commissioners Court and department heads information concerning state laws and administrative rules relating to local government records;

(10) instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;

(11) direct Records Liaison Officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this Order;

(12) ensure that the maintenance, preservation, microfilming, destruction, or other disposition of County records 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 Commissioner's Court on the implementation of the records management plan in each department of Webb County, including summaries of the statistical and fiscal data compiled under Subsection (13); and

(15) bring to the attention of the Commissioners Court non-compliance by department heads or other County personnel with the policies and procedures of the records management program or the Local Government Records Act.

**SECTION 9. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS.** In addition to other duties assigned in this Order, department heads shall:

- (1) cooperate with the Records Management Officer in carrying out the policies and procedures established in Webb County for the efficient and economical management of records and in carrying out the requirements of this Order;
- (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 Webb County and the requirements of this Order.

**SECTION 10. DESIGNATION OF RECORDS LIAISON OFFICERS.** Each department head shall designate a member of his or her staff to serve as Records Liaison Officer for the implementation of the records management program in the department. If the Records Management Officer determines that in the best interests of the records management program more than one Records Liaison Officer should be designated for a department, the department head shall designate the number of Records Liaison Officers specified by the Records Management Officer. Persons designated as Records Liaison Officer shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of Webb County maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as Records Liaison Officer, the department head shall promptly designate another person to fill the vacancy. A department head may serve as Records Liaison Officer for his or her department.

**SECTION 11. DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON OFFICERS.** In addition to other duties assigned in this Order, Records Liaison Officers shall:

- (a) conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;
- (b) in cooperation with the Records Management Officer coordinate and implement the policies and procedures of the records management program in their departments; and
- (c) disseminate information to department staff concerning the records management program.

**SECTION 12. RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE.** (a) The Records Management Officer, in cooperation with department heads and Records Liaison Officers, 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 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 record-keeping procedures and needs of the department and the records management program of Webb County.

(c) Before its adoption a records control schedule or amended schedule for a department must be approved by the department head and the members of the Records Management Committee.

(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 13. 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 and Records Liaison Officers 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 Committee that the record be retained for an additional period.

**SECTION 14. 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 15. RECORDS CENTER.** A records center, developed pursuant to the plan required by Section 7, shall be under the direct control and supervision of the Records Management Officer. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under Section 7.

**SECTION 16. IMAGING.** Unless a micrographics or electronic records storage system in a department is specifically exempted by order of the Commissioners Court, all microfilming and electronic storage of records will be centralized and under the direct supervision of the Records Management Officer. The records management plan will establish policies and procedures for the microfilming and electronic storage of County records, including policies to ensure that all microfilming and electronic storage is done in accordance with standards and procedures for the microfilming and electronic storage of local government records established in rules of the Texas State Library and Archives Commission. The plan will also establish criteria for determining the eligibility of records for microfilming and electronic storage and protocols for ensuring that the microfilming and electronic storage systems that are exempted from the centralized operations are,

nevertheless, subject to periodic review by the records management officer as to cost-effectiveness, administrative efficiency, and compliance with commission rules.