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AGENDA ITEM REQUEST FORM

Hays County Commissioners Court

Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Discussion and possible action to adopt the Hays County Records Management Program.

ITEM TYPE

ACTION-MISCELLANEOUS

MEETING DATE

April 9, 2013

AMOUNT REQUIRED

LINE ITEM NUMBER

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A

AUDITOR REVIEW: N/A

REQUESTED BY

SPONSOR

CO-SPONSOR

COBB

N/A

SUMMARY

The Texas Local Government Records Act (Title 6, Subtitle C, Local Government Code) requires that each local government establish a records management program by ordinance, order, or resolution, as appropriate. A copy of the ordinance, order, or resolution must be filed with the Texas State Library and Archives Commission.

FILED:

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HAYS COUNTY COMMISSIONERS' COURT

Resolution # 28937 VOL V PG 134

HAYS COUNTY RECORDS MANAGEMENT PROGRAM

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, Hays County 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 ORDERED, BY THE COMMISSIONERS COURT OF HAYS COUNTY

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 it is open or restricted under the laws of the state, created or received by Hays 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 Hays 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 ordinance, order, or administrative policy is in charge of an office of Hays County that creates or receives records.

(2) "Essential record" means any record of Hays County necessary to the resumption or continuation of operations of Hays County in an emergency or disaster, to the recreation of the legal and financial status of Hays County, or to the protection and fulfillment of obligations to the people of the state.

(3) "Permanent record" means any record of Hays 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 Hays 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 9 of this order.

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

(8) "Records management plan" means the plan developed under Section 6 of this order.

(9) "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 Hays 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 Hays 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 Commissioners Court shall designate an individual, employed by the county, to serve as Records Management Officer for Hays 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. RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN.

(a) The Records Management Officer shall assist the Department Head in the development of a records management plan. 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 Department Head and Records Management Officer, the records management plan shall be binding and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

SECTION 7. 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 Hays 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 the 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 Commissioners Court on the implementation of the records management plan in each department of Hays 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 8. 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 Hays 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 Hays County and the requirements of this order.

SECTION 9. 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 Officers shall be thoroughly familiar with all the records created and 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 a 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 10. 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 11. 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 for each department 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 recordkeeping procedures and needs of the department and the records management program of Hays County.

(c) 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 12. 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 11 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 lawsuit, 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.

SECTION 13. 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 14. MICROGRAPHICS.

Unless a micrographics program in a department is specifically exempted, all microfilming of records will be under the direct supervision and review of the Records Management Officer. The Records Management Officer will review requests for microfilming to ensure that all microfilming is done in accordance with the standards and procedures for the microfilming of local government records established in the rules of the Texas State Library and Archives Commission. The Records Management Officer will determine the eligibility of records for microfilming. Microfilming requests will be subject to periodic review by the Records Management Officer as to cost-effectiveness, administrative efficiency, and compliance with commission rules.

- (a) County Clerk and District Clerk departments are exempt.