

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING TITLE III “ADMINISTRATION” OF THE CODE OF MANSFIELD, TEXAS BY AMENDING SECTION 31.01 “DEFINITIONS”; AMENDING SECTION 31.04 (A) AND (B)(14) “DESIGNATION OF RECORDS MANAGEMENT OFFICER; DUTIES”; REPEALING AND RESERVING 31.05 “ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES”; AMENDING 31.06 “DEVELOPMENT OF RECORDS MANAGEMENT PLAN”; AMENDING 31.10(B) AND (C) “IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council previously established the Records Management Program for the City of Mansfield, Texas, by Ordinance No. 886 on December 11, 1990; and,

WHEREAS, the State of Texas has adopted the Duties of the Records Management Officer by statute; and,

WHEREAS, the City Council now desires to update its ordinances to amend the requirement for a Records Management Committee and designate the Public Information and Records Management Officer for the City of Mansfield.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1.

Section 31.01, entitled “Definitions”, is hereby amended by deleting the definition of ‘RECORDS MANAGEMENT COMMITTEE’ in its entirety.

SECTION 2.

Section 31.04, “Designation of Records Management Officer; Duties” is hereby amended to read as follows:

§ 31.04 DESIGNATION OF RECORDS MANAGEMENT OFFICER; DUTIES.

- (A) The Public Information and Records Manager, and the successive holders of the office, shall serve as Records Management Officer for the city. As provided by state law, each successive holder of the office shall file his/her name with the Director and Librarian of the State Library within 30 days of the initial designation or of taking up the office, as applicable.

- (B) (14) Bring to the attention of the City Manager, or his/her designee, noncompliance by department heads or other city personnel with the policies and procedures of the Records Management Program or the Local Government Records Act, Tex. Local Gov't Code, Chapter 201, as amended.

SECTION 3.

Section 31.05, "Establishment of Records Management Committee; Duties" is hereby repealed and reserved.

SECTION 4.

Section 31.06, "Development of Records Management Plan" is hereby amended to read as follows:

§ 31.06 DEVELOPMENT OF RECORDS MANAGEMENT PLAN.

(A) The Records Management Officer shall develop a Records Management Plan for the city 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 city and to properly preserve those records of the city that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his/her duties prescribed by state law and this chapter effectively.

SECTION 5.

Section 31.10(B) and (C), "Implementation of Records Control Schedules; Destruction of Records Under Schedule" is hereby amended to read as follows:

§ 31.10 IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE.

- (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 from the Records Management Officer and the City Attorney, or their designees.

SECTION 6.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 8.

The caption of this ordinance shall be published in compliance with Section 3.13 of the City Charter.

SECTION 9.

This ordinance shall take effect immediately from and after its passage on the first and final reading.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 25TH DAY OF MARCH, 2024.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ashley Dierker, City Attorney