

**RECORDS MANAGEMENT PROGRAM
FOR EL PASO COUNTY, TEXAS**

WHEREAS, the Local Government Records Act (Title 6, Subtitle C, Local Government Code, Chapters 201-205) provides that LOCAL GOVERNMENT or a County must establish by ORDER an active and continuing records management program to be administered by a Records Management Officer, and

WHEREAS, EL PASO COUNTY desires to adopt an ORDER for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act in the interest of cost-effective and efficient recordkeeping;

NOW THEREFORE, BE IT ORDAINED BY COMMISSIONERS COURT OF EL PASO COUNTY, TEXAS as follows:

SECTION 1. DEFINITION OF LOCAL GOVERNMENT RECORD. Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, 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 EL PASO 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 EL PASO COUNTY and shall be created, maintained, and disposed of in accordance with applicable law, this ORDER, procedures authorized by both, and in no other manner.

SECTION 2. ADDITIONAL DEFINITIONS.

- (1) "Custodian" means the appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office of EL PASO COUNTY that creates or receives records.
- (2) "Director and librarian" means the executive and administrative officer of the Texas State Library and Archives Commission (hereafter Commission).
- (3) "Essential record" means any record of EL PASO COUNTY necessary to the resumption or continuation of EL PASO COUNTY operations in an emergency or disaster, to the re-creation of the legal and financial status of EL PASO COUNTY, or to the protection and fulfillment of obligations to the people of the state.
- (4) "Office" means any office, department, division, program, commission, bureau, board, committee, or similar entity of EL PASO COUNTY.
- (5) "Participating elective office" means those elective offices of the County that, with acknowledgement by the County-wide Records management officer, participate in the County-wide records management program and authorize the County Records management officer to act as records management officer for the records of the elective office.
- (6) "Permanent record" or "record of permanent value" means any record of EL PASO COUNTY for which the retention period on a records retention schedule issued by the Commission is given as permanent.

- (7) "Records control schedule" means a document prepared by or under the authority of the Records Management Officer listing the records maintained by EL PASO COUNTY or a participating elective County office, their retention periods, and other records disposition information as may be required by the records management program of EL PASO COUNTY or any of its elective County offices.
- (8) "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, electronic, and other records storage systems.
- (9) "Records liaison officers" means the persons designated under Section 10 of this ORDER.
- (10) "Records management committee" means the committee established under Section 6 of this ORDER.
- (11) "Records management officer" means the person designated under Section 5 of this ORDER. Each elected County officer is the records management officer for records of their office, but the officer may choose to participate in the County records management program. See Section 7.
- (12) "Records management program" means the plan developed under Section 7 of this ORDER.
- (13) "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, defined in Section 1 of this ORDER and created or received in the transaction of official business or the creation/maintenance of which were paid by public funds, are hereby declared to be public property. No County official or employee has, by virtue of their office or position, any personal or property right to such records even though the officer or employee may have developed or compiled the records. The unauthorized destruction, removal from files, or use of such records is prohibited.

SECTION 4. POLICY. It is policy of EL PASO COUNTY to provide for efficient, economical, and effective controls over the creation, use, maintenance, retention, preservation, and disposal of all LOCAL GOVERNMENT 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 Local Government Records Act and accepted records management practices.

SECTION 5. DESIGNATION OF RECORDS MANAGEMENT OFFICER. The County Clerk and the successive holders of said elective County office shall serve as Records Management Officer for EL PASO COUNTY. As provided by state law, each successive holder of this office shall file their name with the director and librarian of the Texas State Library within thirty days of their initial designation to or taking of the office, as applicable.

SECTION 6. ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES. A Records Management Committee consisting of RECORDS LIASON OFFICERS 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) Give final approval to the destruction of records in accordance with approved records control schedules and applicable law;
- (e) Actively support and promote the records management program throughout EL PASO COUNTY.

SECTION 7. RECORDS MANAGEMENT PROGRAM TO BE DEVELOPED; APPROVAL OF PROGRAM; AUTHORITY OF PROGRAM.

- (a) The Records Management Officer and the Records Management Committee shall develop a records management program for EL PASO COUNTY for submission to COMMISSIONERS COURT. The program must provide methods and procedures to enable Commissioners Court, the Records Management Officer, and custodians to fulfill their duties and responsibilities concerning record management and preservation as prescribed by state law. The program should prescribe policies or procedures for the operation of the EL PASO COUNTY records management program consistent with the Local Government Records Act.
- (b) Once approved by COMMISSIONERS COURT, the records management program shall be filed by the Records Management Officer with the director and librarian within 30 days after its adoption. Subject to subsection 7(c) below, the program will apply to all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of EL PASO COUNTY, and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the program and applicable law.
- (c) While each elected County officer is the records management officer for records of their office, the elected officer may choose to participate in the County records management program or any of its components and authorize the County Records Management Officer to manage the records of their elected office; thus, become a participating elective office upon filing of the appropriate forms.

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

- (1) assist in establishing and developing policies and procedures for a records management program for EL PASO COUNTY;
- (2) administer the records management program and provide assistance to custodians for the purposes of reducing the costs and improving the efficiency of recordkeeping;

(3) in cooperation with the custodians of the records:

(A) prepare and file with the director and librarian the records control schedules and amended schedules required by Section 203.041 and the list of obsolete records as provided by Section 203.044; and

(B) prepare or direct the preparation of requests for authorization to destroy records not on an approved control schedule as provided by Section 203.045, of requests to destroy the originals of permanent records that have been microfilmed as provided by Section 204.008, and of electronic storage authorization requests as provided by Section 205.007;

(4) in cooperation with custodians, identify and take adequate steps to preserve local government records that are of permanent value;

(5) in cooperation with custodians, identify and take adequate steps to protect essential local government records;

(6) in cooperation with custodians, ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the policies and procedures of EL PASO COUNTY's records management program and requirements of the Local Government Records Act and its rules;

(7) disseminate to Commissioners Court and custodians information concerning state laws, administrative rules, and the policies of the government relating to local government records; and

(8) in cooperation with custodians, establish procedures to ensure the handling of records in any context of the records management program by the Records Management Officer or those under the Officer's authority is carried out with due regard for:

(A) the duties and responsibilities of custodians that may be imposed by law and

(B) the confidentiality of information in records to which access is restricted by law.

SECTION 9. DUTIES AND RESPONSIBILITIES OF CUSTODIANS. In addition to other duties assigned in this ORDER, custodians shall:

- (1) cooperate with the Records Management Officer in carrying out the policies and procedures established by EL PASO COUNTY for the efficient and economical management of records and in carrying out the requirements of applicable law;
- (2) adequately document the transaction of government business and the services, programs, and duties for which the custodian and their staff are responsible; and
- (3) maintain the records in the custodian's care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with EL PASO COUNTY's records management program and applicable law.

State law relating to the duties, other responsibilities, or recordkeeping requirements of a custodian of local government records do not exempt the custodian or their records from application of the Local Government Records Act and its rules and may not be used by the custodian as a basis for refusal to participate in the County records management program.

SECTION 10. DESIGNATION OF RECORDS LIAISON OFFICERS. Each custodian shall designate a member of their staff to serve as Records Liaison Officer for the implementation of the records management program in their department. If the Records Management Officer reasonably determines more than one Records Liaison Officer should be designated for a department, the custodian 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 their department and shall have full access to such records. In the event a Records Liaison Officer resigns, retires, is dismissed or removed by the custodian, the custodian shall promptly designate another person to fill that role. A custodian may serve as Records Liaison Officer for their department.

SECTION 11. DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON OFFICERS. In addition to other duties assigned in the 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 department; and
- (c) disseminate information to department staff concerning the records management program.

SECTION 12. RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVED; FILING WITH STATE. In cooperation with custodians and their Records Liaison Officers, the Records Management Officer shall establish appropriate record control schedules. The Records Management Officer shall file with the director and librarian a records control schedule listing a retention period for each record created or received by the County or its participating elective offices and those records no longer created or received by the County or participating elective offices, but still in their possession or not subject to destruction, OR in lieu of a records control schedule, file with the director and librarian a written certification of compliance that EL PASO COUNTY or its participating elective offices have adopted record control schedules that comply with the minimum requirements issued by the Commission.

- (a) Thereafter the Records Management Officer shall review the records control schedules of the County and/or participating elective offices and prepare (or facilitate preparation of) amendments to the schedules as needed to reflect new records created or received by the government or office or revisions to the retention periods established by the Commission.
- (b) If the director and librarian or their designees accept for filing the records control schedule, amended schedule, written certification of compliance under Section 203.041(a)(2), or amended written certification of compliance under Section 203.041(c), the acceptable records control schedule may be used as the basis for the destruction of records listed on it without additional notice to the director and librarian.

- (c) If the director and librarian or their designee reject for filing the records control schedule, amended schedule, written certification of compliance under Section 203.041(a)(2), or amended written certification of compliance under Section 203.041(c), the reasons for the rejection shall be stated in writing within a reasonable time to the Records Management Officer and the schedule, amended schedule, written certification of compliance, or amended written certification of compliance shall be corrected and resubmitted.
- (d) The director and librarian or their designee may reject for filing a records control schedule or amended schedule only if a retention period listed is less than a retention period for the same record established on a records retention schedule issued by the Commission or if the schedule is in violation of the Local Government Records Act or its rules. The director and librarian or their designee may reject for filing a written certification of compliance under Section 203.041(a)(2), or an amended written certification of compliance under Section 203.041(c), only if the Records Management Officer files a written certification of compliance in a form and manner that has not been approved by the director and librarian.
- (e) The director and librarian or their designee may make it a condition of acceptance for filing of a records control schedule or amended schedule that a record listed on the schedule be transferred to the custody of the Commission on the expiration of its retention period rather than being destroyed.

SECTION 13. IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE.

- (a) A records control schedule that has been approved and adopted under Section 12 shall be implemented by the Records Management Officer through custodians and Records Liaison Officers according to the policies and procedures of the records management program.
- (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, claim, audit, or other process, or the custodian requests in writing to the Records Management Committee 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 Records Management Committee.
- (d) A list of original records destroyed after microfilming must be filed with the Records Management Officer, and permanent records cannot be destroyed after microfilming without permission from the Commission director and librarian.

SECTION 14. DESTRUCTION OF UNSCHEDULED RECORDS.

- (a) Before the filing of a records control schedule or a written certification of compliance as provided by Section 203.041, a local government record may be destroyed only with the prior approval of the director and librarian.
- (b) After the filing of a records control schedule, amended schedule, written certification of compliance under Section 203.041(a)(2), or amended written certification of compliance under

Section 203.041(c), a record that does not appear on a records control schedule or amended schedule may be destroyed only with the prior approval of the director and librarian.

(c) Requests for authorization to destroy unscheduled records shall be submitted by the Records Management Officer or under the Officer's direction. However, if the request is submitted before the filing of a records control schedule or a written certification of compliance as provided by Section 203.041 and a records management officer has not yet been designated as provided by Section 203.025, the request shall be submitted by the custodian.

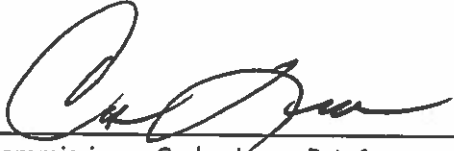
(d) If the director and librarian or their designee approve the request, the records listed on it may be destroyed. If the director and librarian or their designee disapprove the request, the director and librarian or their designee shall state in writing within a reasonable time to the Records Management Officer or custodian the record(s) on the list that must be retained by the government or transferred to the custody of the Commission.

(e) The director and librarian shall determine the form and manner of submission of requests to destroy unscheduled records.

SECTION 15. RECORDS CENTER. A records center, developed pursuant to the program described 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 program.

SECTION 16. MICROGRAPHICS. Unless a micrographics program in a department is specifically exempted by COMMISSIONERS COURT or an elected officer, all microfilming of records will be centralized and under the direct supervision of the Records Management Officer. The records management program will establish policies and procedures for the microfilming of LOCAL GOVERNMENT records, including policies to ensure all microfilming is done in accordance with standards and procedures for microfilming of local government records established in Commission rules and the Local Government Records Act. The program will also establish criteria for determining eligibility of records for microfilming and protocols for ensuring a microfilming program exempt from centralized operations is still subject to periodic review by the Records Management Officer as to cost-effectiveness, administrative efficiency, and compliance with Commission rules and the Local Government Records Act.

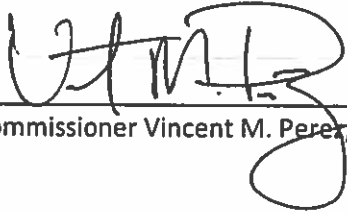
SIGNED, this 8th day of AUGUST 2016



Commissioner Carlos León, Pct. 1



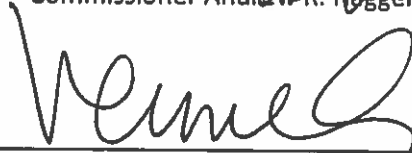
Commissioner David Stout, Pct. 2



Commissioner Vincent M. Perez, Pct. 3



Commissioner Andrew R. Haggerty, Pct. 4



Veronica Escobar
County Judge



Delia Briones
County Clerk
Approved As To Content