



## **AGENDA ITEM**

**April 20, 2021**

Consider, possibly approve, receive and file Amended 2021 Records Management Order for Jefferson County pursuant to Government Code Section 441.158 and Chapter 552 (Public Information Act.)

AMENDED 2021  
RECORDS MANAGEMENT ORDER FOR  
JEFFERSON COUNTY

**Whereas**, Government Code Chapter 552 (Public Information Act), hereinafter referred to as the "Act" provides that a Commissioners Court must establish by order an active and continuing records management program to be administered by a Records Management Officer, and

**Whereas**, the Commissioners Court did previously adopt a Records Management Order on April 20, 1998; and

**Whereas**, The District Clerk, the County Clerk and Jefferson County Courts all have their individual archive and retention plans; and

**Whereas**, the Commissioners Court desires to adopt an amended order for the purpose of prescribing standard general practices and procedures consistent with the Act and in the interest of providing a cost-effective and efficient records management policy and to prescribe policies and procedures consistent with Texas law and in the interests of cost-effective and efficient record keeping and hereby adopts the Schedule for retention of records as prescribed by the Texas State Library and Archives Commission.

Now Therefore;

**IT IS ORDERED**

Section I

DEFINITION OF COUNTY RECORDS: All documents, paper, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, emails, cell phone records, text messages or other recorded 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 County of Jefferson 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 Jefferson County and shall be created, maintained and disposed of in accordance with the provisions of this order or procedures authorized by law. Government Code Section 441.158 provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local governments.

Section 2

ADDITIONAL DEFINITIONS:

(a) "Department head", means the officer who by law, order, or by administrative policy is delegated the responsibility for managing a County office that creates or receives any records that pertain to County business. Each office, department and elected official must be familiar with prescribed retention periods for records of that office and abide by same.

(b) "Essential record" means any record of the county necessary to the resumption or continuation of or operations of the County in an emergency or disaster, or for the protection of the legal and financial status of the County or which are necessary to fulfill obligations to people of the County and State.

(c) "Records Management" means the application of management techniques for the creation, use, maintenance, protection, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of record keeping. The term includes development of records control schedules and/or adopted Texas State Library retention schedules, the management or filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, the management of micrographics and electronic and other records storage systems. Each elected official and department head is responsible for maintaining his or her own retention schedule and record archive plan, as prescribed by law.

(d) "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.

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

(f) "Records management plan" means the plan developed under Section 7 of this order.

(8) "Records liaison officers" means the persons designated under Section 8 of this order.

### Section 3

#### COUNTY RECORDS DECLARED PUBLIC PROPERTY

All County records as defined in Section 1 of this order are declared to be the property of the County. No county official or employee has, by virtue of his/hers position any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction or removal from files or use of such records is prohibited.

### Section 4

#### POLICY

It is hereby declared to be the policy of Jefferson County is to provide for efficient, economical and effective controls over the 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 Texas law and accepted records management practices.

### Section 5

#### DESIGNATION OF RECORDS MANAGEMENT OFFICER DUTIES

The Coordinator of the Jefferson County Historical Commission and the successive holders of said office said offices shall serve as Records Management Officer for the County or and each elected county official or department head shall serve as the records Management Officer for his or her office. As provided by 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 30 days of the initial designation or of taking up the office as applicable. In addition to other duties assigned in the order, the Records Management Officer shall

(a) establish an active and continuing records management program in accordance with the Texas State Library and Archives Commission laws and administrative rules.

(b) adopt and implement the records retention schedules issued by the Texas State Library and Archives Commission.

(c) direct and train Records Liaison Officers or other personnel in records management policies and procedures and implementation of the county's records management program as required by the Texas State Library and Archives Commission. Personnel who are delegated authority to respond to Public Information Requests should be trained to comply with the Texas Public Information Act and, should there be any questions regarding the type of information that must be or should be produced, those questions must be directed to the Civil Division of the Jefferson County District Attorney's Office to assure that exempted or privileged information is not produced.

## Section 6

### RECORDS MANAGEMENT PLAN TO BE DEVELOPED, APPROVAL OF PLAN, AUTHORITY OF PLAN

(a) The Records Management Officer, the Elected County Officials shall develop a records management plan for the offices and departments of Jefferson County in accordance with the Texas State Library and Archives Commission laws and administrative rules for submission to the Commissioners Court. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of record keeping, and 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 enable the Records Management Officer to carry out his or her duties as prescribed by the Texas State Library and Archives Commission and this order effectively.

(b) Once approved by the Commissioners Court, the records management plan shall be binding on all offices, departments, department heads, divisions, bureaus, boards, committees or similar entities of Jefferson County.

## Section 8

### DESIGNATION OF RECORDS LIAISON OFFICERS DUTIES

Each department head and elected county official 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 it is in the best interests of the records management program that more than one Records Liaison Officer should be designated for a department or office, the department head shall designate the number of Records Liaison Officers specified by the Records Management Officer. All persons designated as a Records Liaison Officer shall be thoroughly familiar with all the records created and maintained by the department or office and shall have full access to all records of the County that are maintained by the department or office. 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 or elected official may serve as Records Liaison Officer for his or her department.

In addition to other duties assigned in this order, a Records Liaison Officers shall:

- (a) supervise the implementation of the county's records management program;
- (b) disseminate information to department staff and train staff concerning the records management program.

#### Section 9 DESTRUCTION OF RECORDS

(a) A record whose retention period has expired, according to the a records retention schedule, shall be destroyed unless an open records request pending on the record, the subject matter of the record is pertinent to a pending lawsuit or the department head or elected official requests, in writing to the Records Management Officer, that the record be retained for an additional period.

(b) Prior to the destruction of records under an adopted records retention schedule issued by the Texas State Library and Archives Commission, authorization for the destruction must be obtained by the Records Management Officer. Written copies of records may be destroyed prior to the retention schedule deadline if same have been microfilmed or electronically stored pursuant to the provisions of Local Government Code Chapter 204 or Chapter 205, as applicable, and the rules of the Texas State Library and Archives Commission. Any Jefferson County employee who knowingly or intentionally destroys a government record will be subject to a Class A misdemeanor, and under certain circumstances, a third degree felony (Penal Code, Section 37.10.) Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Public Information Act (Government Code, Chapter 552.)

(c) A record that has not yet been listed on an adopted records retention schedule may be destroyed if its destruction has been approved by the Records Management Officer and has been submitted to and received back from the director and librarian of the Texas State Library and Archives Commission an approved destruction authorization request.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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**Jeff R. Branick, County Judge**

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**Commissioner Vernon Pierce**  
**Precinct 1**

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**Commissioner Michael S. Sinegal**  
**Precinct 3**

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**Commissioner Darrell W. Bush**  
**Precinct 2**

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**Commissioner Everette D. Alfred**  
**Precinct 4**