

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE RECORDS MANAGEMENT ORDINANCE FOR THE CITY OF MONTGOMERY, TEXAS; PROVIDING FOR A RECORDS MANAGEMENT POLICY FOR THE CITY OF MONTGOMERY, TEXAS; DESIGNATING THE CITY SECRETARY AS RECORDS MANAGEMENT OFFICER; ESTABLISHING A RECORDS RETENTION SCHEDULE AND PROVIDING FOR DESTRUCTION OF MUNICIPAL RECORDS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, The Texas Local Government Records Act of 1989 (Title 6, Subtitle C, Local Government Code) requires that each local government, including a municipality, establish a records management program by ordinance, order, or resolution, as appropriate and designate a records management officer; and

WHEREAS, the City of Montgomery, Texas (the "City"), desires to provide methods and procedures to enable the City and the records management officer to fulfill the duties and responsibilities concerning the management and preservation of records; and

WHEREAS, the Texas State Library and Archives Commission ("TSLAC") has issued records retention schedules for each type of local government, including records common to all governments, records of justice and municipal courts, records of public safety agencies, and records of public works and services that state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted; and

WHEREAS, the City approved **Ordinance No. 1993-1 on October 5, 1993** establishing the "Records and Information Management Ordinance for the City of Montgomery, Texas" and desires to amend that Ordinance by updating its terms to provide for a records management program and records retention schedule for the maintenance, retention and destruction of City Records in accordance with TSLAC guidance; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS:

Section 1. The facts and matters set forth in the preamble are hereby found to be true and correct.

Section 2. The City hereby amends its “Records Management Ordinance for the City of Montgomery, Texas” by adopting the Records Management Policy attached as Exhibit A, and incorporated herein.

Section 3. The City hereby adopts the Records Retention Schedules for records common to all governments, records of justice and municipal courts, records of public safety agencies, and records of public works and services attached as Exhibit B, incorporated herein and may be amended from time to time.

Section 4. The City hereby designates the City Secretary as the Records Management Officer, whose duties shall be governed by Texas Local Government Records Act of 1989 (Title 6, Subtitle C, Local Government Code), as amended.

Section 5. The Records Management Officer is hereby authorized to file the Records Management Policy, Designation of Records Management Officer, and any other required documents with TSLAC, as appropriate.

Section 6. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 7. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of this Ordinance to any person or circumstances shall be for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision of this Ordinance other than the part declared to be invalid or unconstitutional; and the City Council of the City of Montgomery, Texas, declares that it would have passed each and every part of the Ordinance notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2022.

APPROVED

Byron Sanford, Mayor

ATTEST:

Nici Browe, City Secretary