
**ORDER OF COMMISSIONERS COURT
OF
SMITH COUNTY, TEXAS
PURSUANT TO
TEX. LOC. GOV'T CODE TITLE 6, SUBTITLE C
FOR RECORDS MANAGEMENT OFFICER, RECORDS RETENTION
BUREAU, AND COUNTY RECORDS PLAN**

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, SMITH COUNTY (hereinafter referred to as "SMITH COUNTY"), a political subdivision of the STATE OF TEXAS, acting by and through her COMMISSIONERS COURT (hereinafter referred to as "COMMISSIONERS COURT") desires to amend and adopt a comprehensive 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 SMITH COUNTY COMMISSIONERS COURT AS FOLLOWS:

SECTION 1. DEFINITION COUNTY RECORDS AND NON-RECORD.

(1) "County Records" means 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 SMITH 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 SMITH 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.

(2) "Non-record" means any document that does not attain the above defined status of a Smith County Record. Examples include, but are not limited to: a periodical, book, or magazine; a former record whose custody is legally transferred to another governmental body (City, another County, State, or Federal government); a mere draft of any letter not yet entered into the business cycle; it

has no retention value set beyond its either current or just passing use by any office or department; whatever might be, at most, a short-lived copy is also not a Smith County record.

SECTION 2. ADDITIONAL DEFINITIONS.

(1) "Department head" means the officer who by ordinance, order, or administrative policy is in charge of an office of SMITH COUNTY that creates, manages, or receives records.

(2) "Essential record" means any record of SMITH COUNTY necessary to the resumption or continuation of operations of SMITH COUNTY in an emergency or disaster, to the recreation of the legal and financial status of SMITH COUNTY, or to the protection and fulfillment of obligations to the people of the State. Essential records specifically includes items of historical significance and archival items that must be kept pursuant to State law retention schedules; however, essential records are not necessarily defined by departmental or in-house office policies that conflict with State law and this ORDER.

(3) "Permanent record" means any record of SMITH 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 SMITH COUNTY, their retention periods, and other records disposition information that the records management program may require.

(5) "Records management" means the professional 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, including possible audits, 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 ordinance are hereby declared to be the property of SMITH 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 SMITH COUNTY to provide for professional, 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 best practices.

SECTION 5. DESIGNATION OF RECORDS MANAGEMENT OFFICER.

The SMITH COUNTY COMMISSIONERS COURT shall designate an individual, employed by the COUNTY, to serve as Records Management Officer for SMITH 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; APPROVAL OF PLAN; AUTHORITY OF PLAN.

(a) The Records Management Officer shall develop and maintain a records management plan for SMITH COUNTY, which shall 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 is set forth in Section 15 of this ORDER. The Records Management Officer

shall carry out his or her duties prescribed by state law and this ORDER effectively.

(b) Once approved by the COMMISSIONERS COURT the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of SMITH COUNTY and records shall be created, maintained, stored, microfilmed, digitized, or disposed of in accordance with the plan.

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head does not exempt the department head or the records in the department head's care from the application of this ORDER and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of SMITH COUNTY.

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 efficient 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 SMITH 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, digitization, 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 SMITH 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 SMITH 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, digitization, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of SMITH 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 on a department by department basis 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 SMITH COUNTY.

(c) Before its adoption, a records control schedule or amended schedule for a department must be approved by the applicable department head or official(s).

(d) 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 law suit, 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, authorization for the destruction must be obtained by the Records Management Officer under an approved records control schedule or applicable court order or commissioners court order.

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. RECORD SERVICE BUREAU.

A records center, developed pursuant to the plan required by Section 6, shall be under the direct control and supervision of the Record Management Officer in the Record Service Bureau. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under Section 6 and set forth in Section 15.

SECTION 15. GENERAL TRANSFER OF RECORDS POLICY AND RECORDS MANAGEMENT PLAN SUMMARY.

Any item not meeting the definition of a “county record,” “essential record,” or “permanent record” is by default a “non-record” and shall not be accepted. Records shall only be accepted pursuant to the following general policies:

(1) The Smith County Records Service Bureau will no longer accept non-records. Any internal retention schedules or policies in conflict with this ORDER are hereby preempted. Non-records are to be destroyed or shredded at departments or offices having them.

(2) In setting the overall budgetary and facility policy goals of the COUNTY, the COMMISSIONERS COURT has determined that needless storage space shall not be provided for excess items falling outside the scope of “essential records” or “permanent records.” It is necessary for each department to call ahead to reserve room for records. Where it is necessary to designate additional facilities for storage space, requests must be approved by the COMMISSIONERS COURT.

(3) Requests may be made to the Record Service Bureau for previously used boxes or boxes will be purchased through the Purchasing Department. Boxes must be 1.0 cubic feet in size. Use new boxes, or when using pre-owned boxes, tape paper over extraneous information. Boxes shall be numbered and listed on

the Record Transfer List (Smith County Record Service Bureau), a form that can be downloaded from COUNTY'S website.

(4) Files shall be arranged in an orderly manner (e.g., numerical, chronological, or alphabetical) for future reference.

(5) Files shall be clearly labeled, including information for department, record series, beginning item or number, ending item or number, and inclusive dates.

(6) Criminal records of the District Clerk and County Clerk are excluded from these regulations. Such records are transferred to the Record Service Bureau after being retired.

(7) Miscellaneous files coming out of filing cabinets must be listed on a separate sheet of paper and shall be included with the main transfer list.

(8) Transcripts (Clerk's Records only), and Pre-Sentence Investigations (PSI's) must be listed on a separate sheet of paper and shall be included with the main transfer list. Transcripts and recordings that are Court Reporter Records shall be maintained by individual Court Reporters—no county facilities or budget allocations will be made for Court Reporter Records that COUNTY is not required to maintain. *See Tex. Gov't Code § 52.046(a)(4) (stating that "an official court reporter shall ..." "preserve the notes for future reference for three years from the date on which they were taken") (emphasis added).* Court Reporter Records that the county is not required to store must be removed from county facilities within ninety (90) days from the entry of this Order. Failure to remove Court Reporter Records will result in either delivery to the individual court reporter's home address at the reporter's cost or destruction (for records that are three (3) years or older) after reasonable notice to the individual court reporter responsible for the records.

(9) Minute books, including other volumes, shall each be listed in order. If there is more than one court of origin, then a transfer sheet for each court must be used.

(10) BOXES SHALL NOT BE OVERSTUFFED BEYOND CAPACITY AND SHALL HAVE A MINIMUM OF THREE (3) INCHES OF ROOM. Boxes may not have poor hand holds (to avoid tearing when a handler picks up a box using only one hand). Boxes not meeting these requirements are held ineligible for retrieval by the Records Center.

(11) It is recommended that each DEPARTMENT make a copy of the transfer sheet for its own reference.

(12) Historically significant items must be brought to the attention of the Record Service Bureau for proper handling and any needed conservation practices.

(13) Records retention policies under State law shall be followed. For a current copy of the applicable retention policy, please visit:

<http://www.tsl.state.tx.us/slr/recordspubs/localretention.html>

You may also contact:

**Texas State Library and Archives Commission
State and Local Records Management Division
PO Box 12927
Austin, TX 78711-2927
512-421-7200
slrminfo@tsl.state.tx.us**

SECTION 16. MICROGRAPHICS.

Unless a micrographics program in a department is specifically exempted by order of the COMMISSIONERS COURT, all microfilming of records will be centralized and under the direct supervision of the Records Management Officer. The records management plan will establish policies and procedures for the microfilming of COUNTY records, including policies to ensure that all microfilming is done in accordance with standards and procedures for the microfilming of local government records established in rules of the Texas State Library and Archives Commission. The plan will also establish criteria for determining the eligibility of records for microfilming, and protocols for ensuring that a microfilming program that is exempted from the centralized operations is, nevertheless, subject to periodic review by the Records Management Officer as to cost-effectiveness, administrative efficiency, and compliance with commission rules.

AMENDED AND APPROVED this the 24 day of May, ~~2012~~ 2011.



Joel P. Baker
Smith County Judge



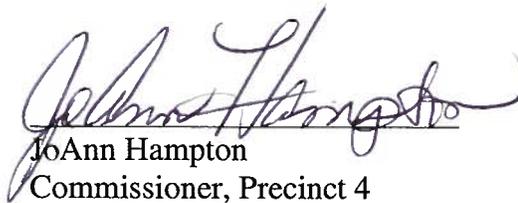
Jeff Warr
Commissioner, Precinct 1



Terry Phillips
Commissioner, Precinct 3



Cary Nix
Commissioner, Precinct 2



JoAnn Hampton
Commissioner, Precinct 4