

ORDINANCE NO. 12-03

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING ARTICLE II (RECORDS MANAGEMENT) OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND BY PROVIDING FOR RECORDS MANAGEMENT BY THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES. PROVIDING FOR A PENALTY OF FIVE HUNDRED DOLLARS (\$500.00) FOR ANY VIOLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act), provides that each local government must establish an active and continuing records management program; and

WHEREAS, the City of South Padre Island desires to adopt a plan 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:

Section 1. Article II of Chapter 2 of the Code of Ordinances of the City of South Padre Island is hereby amended, to be replaced it in its entirety as follows:

”ARTICLE II

Sec. 2-50. DEFINITION OF RECORDS OF THE CITY OF SOUTH PADRE ISLAND.

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 the City of South Padre Island 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 the City of South Padre Island and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner.

Sec. 2-51. RECORDS DECLARED PUBLIC PROPERTY.

All records as defined in Sec. 2-50 above are hereby declared to be the property of the City of South Padre Island. No official or employee of the City of South Padre Island 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.

Sec. 2-52. POLICY.

It is hereby declared to be the policy of the City of South Padre Island to provide for efficient, economical, and effective controls over the creation, distribution, organization,

maintenance, use, and disposition of all records of this office 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 practice.

Sec. 2-53. RECORDS MANAGEMENT OFFICER.

The City Secretary, and the successive holders of said office, shall serve as Records Management Officer for the City of South Padre Island. 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 thirty days of the initial designation, or taking up the office, as applicable.

Sec. 2-54. RECORDS CONTROL SCHEDULES.

Appropriate records control schedules issued by the Texas State Library and Archives Commission shall be automatically adopted by the records management officer for use in City of South Padre Island, as provided by law. Any destruction of records of the City of South Padre Island will be in accordance with these schedules and the Local Government Records Act.

Sec. 2-55 to Sec. 2-65 are repealed and Reserved for future expansion.”

Section 2: This ordinance repeals Ordinance No. 145 and all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

Section 3. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

Section 5. This Ordinance shall become effective upon second and final reading.

PASSED, APPROVED AND ADOPTED on First Reading the 7th day of March, 2012.

PASSED, APPROVED AND ADOPTED on Second Reading the 21st day of March, 2012.

ATTEST:



Susan M. Hill, City Secretary

CITY OF SOUTH PADRE ISLAND



Robert N. Pinkerton, Jr., Mayor

