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3 **CITY OF SEABROOK**  
4 **ORDINANCE NO. 2023-13**  
5

6 **REVISION TO RECORDS MANAGEMENT**  
7

8 **AN ORDINANCE OF THE CITY OF SEABROOK, TEXAS, AMENDING THE**  
9 **CITY OF SEABROOK CODE OF ORDINANCES, CHAPTER 2,**  
10 **“ADMINISTRATION”, ARTICLE VII, “PUBLIC RECORDS”, DIVISION 2,**  
11 **“RECORDS MANAGEMENT”, BY ADDING CITY MANAGER, CITY**  
12 **ATTORNEY, AND CONTRACTOR TO SECTION 2-281, “DEFINITIONS”; BY**  
13 **UPDAING SECTION 2-282 (D) TO ADD CITY CONTRACTOR; BY**  
14 **UPDATING SECTION 2-291(c) TO ALIGN WITH STATE LAW; REPEALING**  
15 **ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTEN OR IN**  
16 **CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND**  
17 **PROVIDING FOR NOTICE**  
18

19 **WHEREAS**, the City of Seabrook City Council established a Records Management  
20 Program for the City in 1976, prior to the creation of systems and means for electronic records;  
21 and  
22

23 **WHEREAS**, in 1989 the Texas State Legislature adopted the Local Government Records  
24 Act, Chapter 201 of the Texas Local Government Code, to establish uniform standards and  
25 procedures for the maintenance, preservation, microfilming, or other disposition of local  
26 government records; and  
27

28 **WHEREAS**, in 1998 the Texas Library and Archives Commission created standards and  
29 procedures for Electronic Records which includes the ability for local government entities to  
30 determine whether certain City records can and should be stored and maintained in electronic  
31 format, rather than in paper; and  
32

33 **WHEREAS**, in order to provide more efficient and cost effective services to citizens,  
34 through the timely, accurate, complete, cost-effective, and accessible management of both paper  
35 and electronic records and information, the City of Seabrook City Council, in 2018, approved and  
36 adopted an up-to-date Records Management Program that emphasizes the security of vital records,  
37 the proper storage of permanent records, and the responsible control of creation and growth of all  
38 records of the City; and  
39

40 **WHEREAS**, in 2023, an update to comply with changes made by the State Legislature in 2021  
41 and an update to definitions is needed in order to continue with a Records Management Program that is  
42 comprehensive, responsible, and current.

43 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
44 **OF SEABROOK, TEXAS:**

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46 **SECTION 1. FINDINGS OF FACT.**

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48 That the facts and matters set forth in the preamble of this Ordinance are hereby found to  
49 be true and correct and adopted as fact.

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51 **SECTION 2. UPDATE TO THE SEABROOK CITY CODE, CHAPTER 2,**  
52 **“ADMINISTRATION”, ARTICLE VII, “PUBLIC RECORDS”, DIVISION 2,**  
53 **“RECORDS MANAGEMENT”**

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55 The Seabrook City Code is amended by adding City Manager, City Attorney, and Contractor to  
56 Section 2-281, “Definitions”, by updating Section 2-282(d) to add Contractor, and by updating Section 2-  
57 291(c) to reflect current State law, as specifically provided hereafter. All other sections of Chapter 2,  
58 “Administration”, Article VII, “Public Records”, Division 2, “Records Management” shall  
59 remain the same.

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61 **DIVISION 2. - RECORDS**  
62 **MANAGEMENT**

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64 **Sec. 2-281 - DEFINITIONS.**

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66 (A) Except as provided in subsection (B), words and phrases in this chapter have the  
67 same meaning they have in the Local Government Records Act.

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69 (B) In this chapter:

70  
71 **(1) CONTRACTOR means a business entity or individual that has a contract to**  
72 **provide products or services to the City of Seabrook.**

73  
74 **(2) COMMISSION** means director and librarian of the Texas State Library and  
75 Archives  
76 Commission.

77  
78 **(3) DEPARTMENT** means a City department, or the functional equivalent.

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80 **(4) DEPARTMENT DIRECTOR** means the officer or employee who is in charge of a  
81 department.

82  
83 **(5) DIGITAL**, when used in reference to a record, means the record is maintained in an  
84 electronic data format that requires an electronic device to create, store, access, retrieve,  
85 or read the record.

86  
87 **(6) EMPLOYEE** means a person employed by the City.

88  
89 **(7) LOCAL GOVERNMENT RECORDS ACT** means Title 6 ( *Records* ), Subtitle C ( *Records Provisions Applying to More Than One Type of Local Government* ), of the  
90

91 Texas Local Government Code, and includes the rules adopted by the commission under  
92 the Local Government Records Act.

93 **(8)** OFFICIAL means the mayor, a member of the city council, **the city manager, the city**  
94 **attorney**, a municipal court judge (including a substitute judge), and a person appointed  
95 by the mayor or the city council to a City board, task force, or other City body.

96  
97 **(9)** PHYSICAL, when used in reference to a record, means that the record is maintained in  
98 a tangible form, such as paper, photographic film, analog tape, or a similar medium.

99  
100 **(10)** RECORD means a local government record of the City, and includes a digital record  
101 and a physical record.

102  
103 Sec. 2-282 - PURPOSE; APPLICABILITY; COMPLIANCE.

104  
105 (A) This chapter implements the Local Government Records Act.

106  
107 (B) This chapter, the records management program, and the records control schedules apply to all  
108 records in whatever form the records exist, including all digital records and all physical  
109 records.

110  
111 (C) This chapter is cumulative of the Local Government Records Act.

112  
113 (D) Each City official, City employee, **and City contractor** shall comply with the records  
114 management program adopted under this chapter. The records management program is  
115 cumulative of this chapter and the Local Government Records Act.

116  
117 (E) A person does not comply with the records management program unless the person complies  
118 with this chapter and the Local Government Records Act.

119  
120 Sec. 2-291 - DESTRUCTION OR DISPOSITION OF RECORDS.

121  
122 (A) When the retention period for a record has expired, the department director shall approve the  
123 destruction of the record unless:

124  
125 (1) a request for the record under Chapter 552 ( *Public Information Act* ) of the Government  
126 Code is pending;

127  
128 (2) the city attorney determines that the subject matter of the record is related to pending or  
129 anticipated litigation, or to an ongoing legal matter;

130  
131 (3) the subject matter of the records is related to an ongoing audit, or an ongoing review by  
132 a governmental regulatory agency;

133  
134 (4) a department director requests the City Secretary in writing, and states the reason, that  
135 the record be permitted to be retained for an additional period, and the request is approved  
136 in writing by the City Secretary;

137  
138 (5) the Records Management Committee determines that the record is of historical value.

139  
140 (B) The records liaison of each department shall record the destruction of records carried out under  
141 this chapter or another law and maintain a destruction log.  
142

143 (C) The City Secretary may destroy a record that is obsolete,  
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145 **(D) The City Secretary may destroy a record that is not identified on a records control**  
146 **schedule if the commission has been notified at least 10 days prior to the destruction of**  
147 **the record.**  
148

149 **if:**  
150

151 ~~(1) the destruction of the record has been approved by the records management~~  
152 ~~committee;~~

153 **and**  
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155 ~~(2) the commission has approved a request for authorization to destroy the record.~~  
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157 **(E)** A record approved for destruction under this chapter and state law may be destroyed

158 by: (1) the records liaison of the department that has custody of the record; or

159 (2) the City Secretary.  
160

161 **(F)** Before an official or employee may destroy the original or source document of a record that  
162 has been transferred to an electronic or digital format, the employee or official must obtain  
163 written authorization from the City Secretary.  
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### 165 **SECTION 3. REPEAL OF CONFLICTING ORDINANCES.**

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167 All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the  
168 extent of such inconsistency or conflict, hereby repealed.  
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### 170 **SECTION 4. SEVERABILITY.**

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172 In the event any clause, phrase, provision, sentence, or any part of this Ordinance or the  
173 application of the same to any person or circumstances shall for any reason be adjudged invalid or  
174 held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate  
175 this Ordinance as whole or any part or provision hereof other than the part declared to be invalid  
176 or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would  
177 have passed each and every part of the same notwithstanding the omission of any such part thus  
178 declared to be invalid or unconstitutional, whether there be one or more parts.  
179

### 180 **SECTION 5. OPEN MEETING COMPLIANCE**

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182 That it is hereby officially found and determined that the meeting at which this  
183 Ordinance was passed was open to the public as required by law and that public notice of  
184 the time, place and purpose of said meeting was given as required by the Texas Open  
185 Meetings Act, Texas Government Code, Chapter 551.  
186

187 **PASSED AND APPROVED** on first reading with a quorum present, by an  
188 affirmative vote of a majority of Councilmembers present, in accordance with Seabrook  
189 City Charter Section 2.10 on this 16th day of May, 2023.  
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**PASSED, APPROVED, AND ADOPTED** on final reading with a quorum present,  
by an affirmative vote of a majority of Councilmembers present, in accordance with  
Seabrook City Charter Section 2.10 on this 6th day of June, 2023.

By: \_\_\_\_\_  
Thomas G. Kolupski  
Mayor

ATTEST:

By: \_\_\_\_\_  
Robin Lenio, TRMC  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Olson & Olson  
City Attorney