

CERTIFICATE FOR ORDER

THE STATE OF TEXAS

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COUNTY OF FORT BEND

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I, the undersigned officer of the Board of Directors of Fort Bend County Toll Road Authority, do hereby certify as follows:

1. The Board of Directors of Fort Bend County Toll Road Authority convened in regular session on April 18, 2018, outside the boundaries of the Authority, and the roll was called of the members of the Board:

James D. Condrey, DDS
Bobbie A. Tallas
Charles Rencher
Dean Hrbacek
William D. Kee, III

Chairman
Vice Chairman
Secretary
Assistant Secretary
Treasurer/Assistant Vice Chairman

and all of said persons were present except Director(s) _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

ORDER AMENDING AND RESTATING THE RECORDS MANAGEMENT PROGRAM

was introduced for the consideration of the Board. It was then duly moved and seconded that the Order be adopted; and, after due discussion, the motion, carrying with it the adoption of the Order, prevailed and carried unanimously.

2. A true, full, and correct copy of the aforesaid Order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the Order has been duly recorded in the Board's minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated herein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the Order would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place, and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED on April 18, 2018.

(SEAL)





Secretary, Board of Directors

ORDER AMENDING AND RESTATING THE RECORDS MANAGEMENT PROGRAM

Section 201 et. seq., of the Texas Local Government Code (the “Code”) provides that a local unit of government must establish by Order an active and continuing Records Management Program to be administered by a Records Management Officer; and

The Fort Bend County Toll Road Authority (the “Authority”), is a local unit of government, within the meaning of the Code; and

The Authority previously adopted the ORDER ESTABLISHING A RECORDS MANAGEMENT PROGRAM AND DESIGNATING A RECORDS MANAGEMENT OFFICER (the “Prior Order”) on May 21, 2014, for the purpose of complying with the Code and to prescribe policies and procedures consistent with the Code for the efficient and economical management of Authority Records (as defined below); and

The Authority now desires to adopt this Order for the purpose of amending and restating the policies and procedures related to the management of Authority Records in accordance with the Code; NOW, THEREFORE,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF FORT BEND COUNTY TOLL ROAD AUTHORITY THAT:

Section 1. This Order supersedes and replaces all prior orders related to the Authority’s Records Management Program, including, but not limited to, the Prior Order.

Section 2. All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the State of Texas, created or received by the Authority or any of its officers or employees, or other custodians of Authority records, as may be designated by the Board from time to time (each, a “Custodian,” and collectively, “Custodians”), pursuant to law or in the transaction of public business are hereby declared to be the records of the Authority (collectively, “Records”) 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.

Section 3. All Records are hereby declared to be the property of the Authority, and as such, are public. No Authority official, employee, or Custodian has, by virtue of his or her position, any personal or property right to such Records, even though he or she may have developed, compiled, or maintained them. The unauthorized destruction, removal from files, or use of such Records is prohibited.

Section 4. The Authority’s attorney, currently, The Muller Law Group, PLLC, shall serve as Records Management Officer for the Authority. As provided by state law, the Authority’s attorney shall be deemed to be the Authority’s Records Management Officer. The Authority’s attorney shall file the designation with the Director and Librarian of the Texas State Library and Archives Commission (the “Texas State Library”) within thirty (30) days of the initial designation or of taking up the office, as applicable.

Section 5. It is the duty of the Records Management Officer to adequately protect the Records of the Authority and to properly preserve the Records of the Authority.

Section 6. Pursuant to §203.041 of the Code, the Authority intends to retain all Records permanently, with the exception of General Correspondence, Administrative Correspondence, or Routine Correspondence (collectively, “Correspondence,” and each as described in **Exhibit A** attached hereto and incorporated herein for all purposes), which may be discarded pursuant to the Records Control Schedule in **Exhibit A** (the “Records Control Schedule”). Notwithstanding the foregoing, the following Records must be retained permanently: (a) any Correspondence delivered to the Records Management Officer in hard copy, or (b) any Correspondence creating or related to a binding legal document, obligation, or duty of, for, or related to the Authority.

Section 7. All Authority officers, employees, and Custodians who develop, compile, or temporarily maintain Authority Records shall forward all Records to the Records Management Officer, as soon as practicable.

Section 8. The Authority’s Records Management Officer is to work with the Authority’s officers, employees, and Custodians to assure that all Authority Records are retained pursuant to the Records Control Schedule.

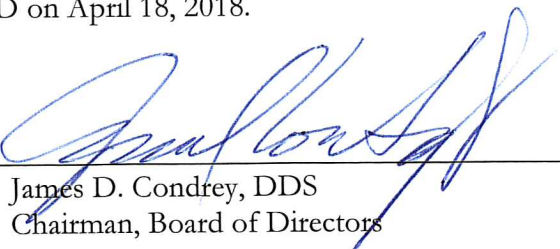
Section 9. A certified copy of this Order shall constitute (i) the Authority’s amended and restated Records Management Program and certification of compliance that the Authority has adopted record control schedules to comply with the minimum requirements established on records retention schedules (or revisions thereto) issued by the Texas State Library, and (ii) the designation of the Authority’s attorney as its Records Management Officer, which is to be filed with the Director and Librarian of the Texas State Library.

Section 10. The Authority’s Records Management Officer is authorized and directed to do any and all things necessary and proper to carry out this Order and any other duties required of the Records Management Officer under state law.

Section 11. The Authority’s amended and restated Records Management Program and the designation of the Authority’s attorney as its Records Management Officer is effective as set forth below.

[Signatures Follow]

PASSED, APPROVED, AND ADOPTED on April 18, 2018.

By: 
James D. Condrey, DDS
Chairman, Board of Directors

ATTEST:

By: 
Secretary, Board of Directors

(SEAL)



EFFECTIVE DATE

THIS AGREEMENT IS EFFECTIVE ON THE DATE IT IS APPROVED BY THE FORT BEND COUNTY COMMISSIONERS COURT, AND IF NOT SO APPROVED SHALL BE NULL AND VOID.

DATE OF COMMISSIONERS COURT APPROVAL: _____

AGENDA ITEM NO.: _____

EXHIBIT A

TSL&AC RECORD NUMBER	TSL&AC RECORD TITLE	TSL&AC RECORD DESCRIPTION	TSL&AC RETENTION PERIOD
GR1000-26a	CORRESPONDENCE, INTERNAL MEMORANDA, AND SUBJECT FILES	Administrative – Incoming/outgoing and internal correspondence pertaining to the formulation, planning, implementation, modification, or redefinition of the programs, services, or projects of a local government and the administrative regulations, policies, and procedures that govern them. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.	4 years.
GR1000-26b	CORRESPONDENCE, INTERNAL MEMORANDA, AND SUBJECT FILES	General – Incoming/outgoing and internal correspondence pertaining to the regular operation of the policies, programs, services, or projects of a local government. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.	2 years.
GR1000-26c	CORRESPONDENCE, INTERNAL MEMORANDA, AND SUBJECT FILES	Routine - Correspondence and internal memoranda such as letters of transmittal, requests for publications, internal meeting notices, and similar routine matters. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.	As long as administratively valuable.

TSL&AC: Texas State Library and Archives Commission