

ORDER ESTABLISHING RECORDS MANAGEMENT POLICY AND  
AMENDING AND RESTATING THE RECORDS MANAGEMENT PROGRAM

Chapter 201 of the Texas Local Government Code (“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

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

The Authority previously adopted the ORDER AMENDING AND RESTATING THE RECORDS MANAGEMENT PROGRAM (“Prior Order”) on April 18, 2018, 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; 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. The Records Management Policy and Program attached hereto as **Exhibit A**, and incorporated herein for all purposes, is hereby approved and adopted by the Authority.

Section 3. A copy of this Order shall constitute (i) the Authority’s Records Management Policy and amended and restated Records Management Program and certification of compliance with the minimum requirements established on Records Control Schedules issued by the Texas State Library and Archives Commission (“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 4. The Authority’s Records Management Policy and Program and the designation of the Authority’s attorney as its Records Management Officer is effective upon adoption of this Order.

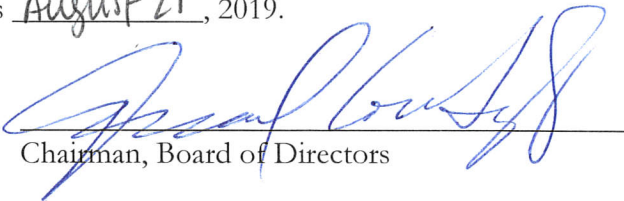
Section 5. The Records Management Officer is authorized to complete, execute, and submit the Declaration of Compliance to the Texas State Library.

Section 6. All Authority officers and Consultants are authorized to execute any and all documents necessary or convenient to accomplish the purposes of this Order.

Section 7. Terms used but not defined herein shall have the meanings set forth in the Records Management Policy and Program.

[Execution Page Follows]

APPROVED AND ADOPTED this August 21, 2019.



Chairman, Board of Directors

**EXHIBIT A**

**RECORDS MANAGEMENT POLICY AND PROGRAM**

(see attached)

## RECORDS MANAGEMENT POLICY AND PROGRAM

### Article I. DEFINITIONS

- Section 1.01. “Authority 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 them is open or restricted under the laws of the state, created or received by the Authority or any of its officers, directors, or Consultants pursuant to law or in the transaction of public business are hereby declared to be the records of the Authority and shall be created, maintained, and disposed of in accordance with the provisions of this policy or procedures authorized by it and in no other manner.
- Section 1.02. “Consultant” means each entity with whom the Authority has contracted for services, including, utility system operating, bookkeeping, tax assessing and collecting, auditing, engineering, and legal services, which creates or receives Authority Records.
- Section 1.03. “Essential Record” means any Authority Record necessary to the resumption or continuation of its operations in an emergency or disaster, to the re-creation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.
- Section 1.04. “Permanent Record” means any Authority Record for which the retention period on a Records Control Schedule is given as permanent.
- Section 1.05. “Records Control Schedule” means a document (i) prepared by or under the authority of the Records Management Officer, listing the Authority Records maintained by the Authority, their retention periods, and other records disposition information that the Records Management Program may require, or (ii) issued by the Texas State Library and Archives Commission (“Texas State Library”), listing types of records and their retention periods.
- Section 1.06. “Records Management” means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of Authority 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 Records 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.

- Section 1.07. "Records Management Officer" means the person designated in Section 2.03 of this policy.
- Section 1.08. "Records Management Program" means the program described under Section 2.04 of this policy.
- Section 1.09. "Retention Period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.
- Section 1.10. "Temporary Custodian" has the definition provided under Section 552.003 of the Texas Government Code, as the same may be amended from time to time.

## **Article II. POLICY AND REQUIREMENTS**

- Section 2.01. **AUTHORITY RECORDS DECLARED PUBLIC PROPERTY.** All Authority Records are hereby declared to be the property of the Authority. No Authority director, officer, or Consultant 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 2.02. **POLICY.** It is hereby declared to be the policy of the Authority to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all Authority Records through a comprehensive system of integrated procedures for their management, from creation to ultimate disposition, consistent with the requirements of the Texas Local Government Records Act ("Act") and accepted Records Management practice.
- Section 2.03. **DESIGNATION OF RECORDS MANAGEMENT OFFICER.** The Authority's Attorney, and the successive holders of said position, shall serve as Records Management Officer for the

Authority. As provided by state law, each successive holder of the position shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the position, as applicable.

Section 2.04. RECORDS MANAGEMENT PROGRAM; AUTHORITY FOR PROGRAM.

- (a) Pursuant to §203.041(a)(2) of the Act, the Authority Records will be created, maintained, stored, digitized, or disposed in accordance with the following Records Control Schedules issued by the Texas State Library, and attached hereto:
  - (i) Schedule GR (Records Common to All Governments),
  - (ii) Schedule EL (Records of Elections and Voter Registrations),
  - (iii) Schedule PW (Records of Public Works and Services),
  - (iv) Schedule TX (Records of Property Taxation), and
  - (v) Schedule UT (Records of Utility Services).
  
- (b) A Authority Record whose retention period has expired on a Records Control Schedule may 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 Consultant requests in writing to the Records Management Officer that the record be retained for an additional period. Additionally, a Authority Record whose retention period has expired and which is not readily available in the Authority's electronic database is deemed destroyed in compliance with this policy.
  
- (c) A Authority Record that has not yet been listed on an approved Records Control Schedule may be destroyed if authorized by the Board and the Records Management Officer has submitted to and received back from the director and librarian of the Texas State Library an approved destruction authorization request.

Section 2.05. DUTIES OF RECORDS MANAGEMENT OFFICER. In addition to other duties assigned in this policy, the Records Management Officer shall:

- (a) administer the Records Management Program and provide assistance to Consultants in its implementation;
- (b) plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (c) monitor Records Control Schedules and administrative rules issued by the Texas State Library to determine if the Records Management Program, including the Authority's adopted Records Control Schedules, are in compliance with state regulations;
- (d) disseminate to the Board and Consultants information concerning state laws and administrative rules relating to local government records; and
- (e) make reasonable efforts to obtain Authority Records from Temporary Custodians; and
- (f) bring to the attention of the Board non-compliance by Consultants with the policies and procedures of the Records Management Program or the Act, to the extent the Records Management Officer becomes aware of such non-compliance.

Section 2.06. **DUTIES AND RESPONSIBILITIES OF CONSULTANTS.**

In order to promote compliance with this policy, all Consultants will:

- (a) use reasonable efforts to cooperate with the Records Management Officer in carrying out the policies and procedures established in the Authority for the efficient and economical management of Authority Records and in carrying out the requirements of this policy and the Records Management Program;
- (b) adequately document the transaction of Authority business and the services, programs, and duties for which the Consultant and his or her staff are responsible; and

- (c) maintain the Authority Records in his or her care and carry out their preservation, digitizing, destruction, or other disposition only in accordance with the policies and procedures of the Records Management Program of the Authority and the requirements of this policy.