

A RESOLUTION OF THE CITY OF WESTON COMPELLING THE FORMER CITY OFFICERS AND PERSONNEL TO PROVIDE ALL PAPERWORK AND ALL ELECTRONIC DOCUMENTATION INCLUDING BUT NOT LIMITED TO CORRESPONDENCE, NOTES, MAPS, CD'S, FLOPPY DISKS, REMOVABLE STORAGE DEVICES, EMAILS, AND TEXT MESSAGES RELATED TO THE CITY OF WESTON INCLUDING BUT NOT LIMITED TO COMMUNICATIONS WITH THE CITY OF WESTON'S OFFICERS AND PERSONNEL, BETWEEN CONSULTANTS AND/OR LAWYERS, AND/OR ANY OTHER THIRD PARTY.

WHEREAS, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, per Local Government Code 201.003 (8)

"Local government record" means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, 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, created or received by a local government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business.

WHEREAS, per Local Government Code 201.005

DECLARATION OF RECORDS AS PUBLIC PROPERTY; ACCESS.

(a) Local government records created or received in the transaction of official business or the creation or maintenance of which were paid for by public funds are declared to be public property and are subject to the provisions of this subtitle and Subchapter J, Chapter 441, Government Code.

(b) A local government officer or employee does not have, by virtue of the officer's or employee's position, any personal or property right to a local government record even though the officer or employee developed or compiled it.

WHEREAS, per Local Government Code 203.021

DUTIES AND RESPONSIBILITIES OF GOVERNING BODY.

The governing body of a local government, including a commissioners court with regard to nonelective county offices, shall:

(1) establish, promote, and support an active and continuing program for the efficient and economical management of all local government records;

(2) cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;

(3) facilitate the creation and maintenance of local government records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the local government and designed to furnish the information necessary to protect the legal and financial rights of the local government, the state, and persons affected by the activities of the local government;

(4) facilitate the identification and preservation of local government records that are of permanent value;

(5) facilitate the identification and protection of essential local government records; and

(6) cooperate with the commission in its conduct of statewide records management surveys.

WHEREAS, per Local Government Code 202.005 (a)

The governing body may demand and receive from any person any local government record in private possession created or received by the local government the removal of which was not authorized by law.

WHEREAS, per Local Government Code 201.006

RECORDS TO BE DELIVERED TO SUCCESSOR IN OFFICE.

(a) A custodian of local government records shall, at the expiration of the custodian's term of office, appointment, or employment, deliver to the custodian's successor, if there is one, all local government records in custody. If there is no successor, the governing body shall determine which officer of the local government shall have custody.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS:

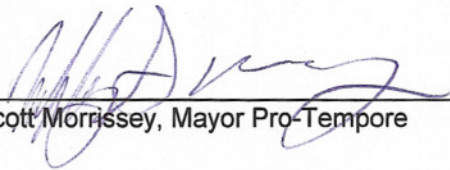
SECTION 1. The City of Weston requests all existing "Government Records" as defined by State Code in the possession of the City of Weston's former officers and employees to be delivered to the City of Weston's Records Management Officer within 14 calendar days of the effective date of this resolution.

Additionally this request includes storage media purchased by the City of Weston including floppy diskettes and removable storage devices commonly known as "Thumb Drives" or "USB Drives".

SECTION 2. EFFECTIVE DATE


This resolution shall be effective from and after its passage and adoption by the City Council.

RESOLVED AND ENTERED this the 10th day of July 2007.



Scott Morrissey, Mayor Pro-Tempore

ATTEST:



Dedra J. Bates, City Secretary

