

AN ORDER ESTABLISHING A RECORDS MANAGEMENT PROGRAM
FOR THE LAKEWAY MUNICIPAL UTILITY DISTRICT

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act) provides that a Municipal Utility District must establish by Order an active and continuing Records Management Program to be administered by a Records Management Officer on or before January 1, 1991; and

WHEREAS, the Lakeway Municipal Utility District (the "District") desires to adopt an Order 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 record keeping; and

WHEREAS, Texas Local Government Records Act, Texas Local Government Code section 203.026(c) requires that a copy of this Order be filed with the Director of the Texas State Library and Archives Commission within 30 days after its adoption; now therefore:

BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE
LAKEWAY MUNICIPAL UTILITY DISTRICT:

General

SECTION 1. Purpose

The purpose of this Records Management Program is to establish, promote and support an active and continuous program for the efficient and economical management of all Records, to cause policies and procedures to be developed, and to facilitate the creation and maintenance of Records that document the organization, functions, policies, decisions, procedures and essential transactions of Lakeway Municipal Utility District (the "District").

SECTION 2. Definitions

"Act" means Local Government Records Act, Texas Local Government Code sections 201.001 - 205.009 as now or hereafter amended.

"Director" means the executive and administrative officer of the Texas State Library and Archives Commission or its designee.

"Records Control Schedules" means the document prepared by or under the control of the RMO which lists the Records maintained by the District, their retention period, and other dispositive information required by the District.

"RMO" means the individual or office appointed from time to time by the Board of Directors of the District to serve as Records Management Officer.

Records Control Schedule

SECTION 3. Records Control Schedule Preparation

On or before January 2, 1995 the RMO shall cause to be prepared and presented for approval to the Board of Directors of the District Records Control Schedules and lists of obsolete Records for the District. Such Records Control Schedules shall establish retention periods for (1) all Records created or received by the District, (2) any Record no longer created or received by the District that is still in the District's possession, and (3) any Record no longer created or received by the District.

SECTION 4. Permanent Retention

Notwithstanding Section 3 herein, the District shall not be required to submit Records Control Schedules if the District intends to retain all Records permanently or to destroy only such Records which do not have a retention period as defined by the Act.

Records Destruction and Alienation

SECTION 5. Conditions for Destruction

The District or such other designee shall destroy a Record only upon one of the following conditions:

- (1) such Record is listed on a Records Control Schedule filed with and approved by the Director pursuant to section 203.041 of the Act and the retention period listed therein for such Record has expired; or
- (2) the Record appears on a list of obsolete Records approved by the Director pursuant to section 203.044 of the Act as defined by the Act; or
- (3) if the RMO files a destruction request for the Record with the Director or the Director's designee and the Director or such designee approves such request.

SECTION 6. Methods of Destruction

Records shall be destroyed by burning, shredding, pulping, or burial in a landfill or by sale or donation for recycling. The RMO or its designee shall seek assurances from the recycler that any Records sold or donated for recycling shall be rendered unrecognizable as District Records.

SECTION 7. Alienation of Records

Neither the District nor such other designee shall sell, donate, loan or transfer any Record to a private college, university, private museum or library or private organization of any type or to an individual except with the consent of the Director or the Director's designee and after such Records retention period under the District's Records Control Schedule has passed.

Care and Preservation of Records

SECTION 8. Storage

District Records shall be held in a secure area free from conditions which could damage, alter, or destroy such Records.

SECTION 9. District Ownership of Records

Custodian storing Records for the District shall retain such Records for a period of time consistent with the District's Records Control Schedules. Custodian retention or storage of Records does not impair, alter or otherwise change the District's access, control and ownership of such Records.

SECTION 10. Compliance with Open Records Act

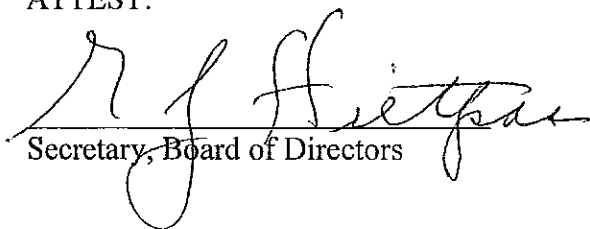
All Records shall be held in compliance with Open Records Act, Article 6252-17a, Vernon's Texas Civil Statutes.


SECTION 11. Microfilm and Electronic Storage of Records

Subject to sections 204.001 - 205.009 of the Texas Local Government Code, the Board of Directors of the District may, at its election, store such Records electronically in addition to or instead of the source document in paper.

PASSED AND APPROVED this the 19th day of August, 2009.

ATTEST:


Secretary, Board of Directors


President, Board of Directors