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THE CITY OF WOODCREEK

ORDINANCE NO. 24-XXX

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, ADOPTING A POLICY PROVIDING FOR A REASONABLE LIMIT ON THE AMOUNT OF TIME TO BE SPENT WITHOUT CHARGE FOR REPEAT PUBLIC INFORMATION REQUESTORS; REQUIRING PAYMENT FOR TIME AND EXPENDITURES INCURRED BEYOND THIS LIMIT; PROVIDING FOR EXCEPTIONS; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the Texas Public Information Act (Texas Gov't Code Chapter 552, or "the Act" herein) gives the public the right to request access to government information; and,

WHEREAS the Act authorizes the governmental body to charge and to require payments from requestors before complying with certain requests for production of public information or for copies of public information; and,

WHEREAS in 2017, House Bill 3107, Section 3 was amended to grant a governing body the power to establish reasonable monthly and yearly limits on the amount of time that personnel of the governing body are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor without recovering its costs attributable to that personnel time; and

WHEREAS this power is reflected in Texas Government Code, Chapter 552.275 and in Texas Government Code, Chapter 552.232; and

WHEREAS the City Council of the City of Woodcreek ("City Council") seeks to provide standards for vexatious requests of public records of the City of Woodcreek, Texas ("City"); and

WHEREAS the City Council desires to adopt a policy setting monthly and annual time limits for repeat requests of public records to promote and increase efficiency, responsiveness to the public and economy in City Government; and

WHEREAS the City Council finds that such guidelines will also provide a fair and equal opportunity for obtaining access to information; and

WHEREAS the City Council finds that reducing the duplication of efforts and increasing the efficiency with which requests are handled is necessary; and

WHEREAS the City Council finds that such guidelines will demonstrate the City's commitment to an informed citizenry so as to further the public's control over the instruments they have created; and

WHEREAS the City Council finds that it is necessary and proper for the good government, peace or order of the City to adopt an ordinance regulating vexatious requests of public records.

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NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, THAT:

I.

The foregoing recitals are incorporated into the body of this Ordinance by reference, as findings of fact as if expressly set forth herein.

II.

The City Council of the City of Woodcreek hereby adopts its policy imposing monthly and annual time limitations on repeat requests of public records from the City under the Texas Public Information Act:

(A) Definitions:

(1) **Public Information:** All information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official city business by the City Council or by any employee of the City. It also includes data the City owns or has a right of access to but was prepared or stored by a third party. The definition of “public information” applies to and includes to any electronic communication created, transmitted, received, or maintained on any device. This term shall be construed in accordance with the provisions of the Act as set forth in Tex. Gov’t Code Chapter 552, as may be amended.

(2) **Requestor:** A person who submits a written request to the City of Woodcreek for inspection or copies of public information.

(b) Policy:

(1) That in accordance with Section 552.275, the City Council hereby establishes an annual time limit of 36 hours and a monthly time limit of 15 hours as the amount of time that employees are required to devote without charge to produce public information for inspection or duplication or providing copies of public information to any one requestor. This annual time limit shall apply to each twelve (12) month period commencing each fiscal year beginning October 1, of the fiscal year of adoption of the policy by City Council.

(2) The Office of the City Secretary will maintain and enforce the policy. It shall be the City Secretary’s responsibility to enforce the policy equally to all requestors except as exempted by the Act, to provide detailed statements, and to maintain a record of the cumulative amount of time each requestor has accrued towards the established limit per fiscal year. The City Secretary is hereby expressly authorized to implement additional policies and procedures relative to the handling of requests for public information that are not inconsistent with the Act and the City Code of Ordinances.

93 **SEVERABILITY CLAUSE:** Should any of the clauses, sentences, paragraphs, sections or parts of this
94 Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative
95 agency with jurisdiction over the matter, such action shall not be construed to affect any other valid
96 portion of this Ordinance. All provisions of this Ordinance are declared severable.

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98 **CUMULATIVE CLAUSE:** This Ordinance shall be cumulative of all provisions of ordinances of the City
99 except where provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in
100 which event the conflicting provisions of such ordinances are hereby repealed.

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102 **REPEALER CLAUSE:** All Ordinances, Resolutions, or parts thereof, that are in conflict or inconsistent
103 with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions
104 of this Ordinance shall be and remain controlling as to the matters regulated, herein.

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106 **SAVINGS CLAUSE:** The repeal or amendment of any ordinance or part of ordinances effectuated by
107 the enactment of this ordinance shall not be construed as abandoning any action now pending under or
108 by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to
109 accrue or as affecting any right of the City of Woodcreek under any section or provisions of any ordinances
110 in effect at the time of the passage of this Ordinance.

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112 **PROPER NOTICE AND MEETING:** It is hereby officially found and determined that the meeting at
113 which this Ordinance was passed was open to the public as required and that public notice of the time,
114 place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the
115 Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local
116 Government Code.

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118 **EFFECTIVE DATE:** Upon final passage and any publication as required by law.

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120 **PASSED, APPROVED and RESOLVED,** this the 10th day of **April, 2024**, by a
121 _____ **Ayes** to _____ **Nays** and _____ **Abstentions** vote at a Regular Meeting of the City
122 Council of the City of Woodcreek, Texas.

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PLACE 125
CITY SEAL 126
HERE 127
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WOODCREEK, TEXAS

By: _____
Jeff Rasco, Mayor

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133 **ATTEST:**

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Suzanne J. Mac Kenzie, City Secretary

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140 **APPROVED AS TO FORM:**

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City Attorney's Office

DRAFT