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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 THE PUBLIC INFORMATION POLICY OF THE CITY OF WOODCREEK; ESTABLISHING STANDARDS FOR REQUESTING, PROCESSING, DISCLOSING, AND WITHOLDING CITY RECORDS; PROVIDING FOR THE FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE & MEETING

WHEREAS the City Council of the City of Woodcreek (“City Council”) seeks to provide standards for requesting, processing, disclosing, and withholding records of the City of Woodcreek, Texas (“City”); and

WHEREAS the City Council desires to adopt a Public Information Policy as a guide for conducting City Business in a professional and uniform manner; and

WHEREAS the City Council finds that such policy will 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 adopting a public information policy.

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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.

This Ordinance applies to all data, documents, forms and information managed or possessed by the City. This Ordinance applies to all requests for information submitted to the City after the date of enactment.

43 III.

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45 **DEFINITIONS.**

- 46
47 (A) Rules of Interpretation. Words and phrases used in this Ordinance shall have the meanings set
48 forth in this section, unless a conflicting definition appears in Texas state law. Terms that are
49 not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the
50 meanings set forth in the code. Words and phrases not defined in the Code of Ordinances or
51 under Chapter 552 of the Texas Local Government Code, the Public Information Act, shall be
52 given their common, ordinary meaning unless the context, words used in the present tense shall
53 include the future tense, words in the plural number shall include the singular number (and vice
54 versa), and words in the masculine gender shall include the feminine gender (and vice versa).
55 The word “shall” is always mandatory, while the word “may” is merely directory. Headings and
56 captions are for reference purposes only.
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- 58 (B) Specific definitions.
- 59 i. City Administrator: The Chief Administrative Officer appointed by the City Council.
 - 60 ii. City Hall: The City’s Administrative Office Building located at 41 Champions Circle,
61 Woodcreek, Texas 78676.
 - 62 iii. City Secretary: The City’s Officer for Public Information and the Records Management
63 Officer.
 - 64 iv. Officer for Public Information: The City Secretary.
 - 65 v. Public Information Act: The Texas Public Information Act, Chapter 552 of the Texas
66 Local Government Code.
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74 IV.

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76 **INFORMATION MANAGEMENT.**

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- 78 (A) Conflicts. This Ordinance is a guide for City Employees and Officers. It should be in no way
79 construed as modifying state laws regarding disclosure of public information or the retention of
80 local government records. This Ordinance is to be read in harmony with other such policies and
81 state statutes when possible so as to give effect to the stated purpose of this Ordinance.
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- 83 (B) Record Retention. All “local government records”, as defined by the Local Government Records
84 Act, Chapter 201, Texas Local Government Code, as may be amended, shall be maintained in
85 compliance with that statute and any other relevant City policies. All mandatory retention
86 periods established by the Records Retention Schedule set forth in the Texas State Library and
87 Archives Commission shall be closely observed. This Ordinance is to be interpreted and
88 implemented in harmony with any and all retention schedules.
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91 (C) Records Management. This Ordinance is to be interpreted and implemented in harmony with
92 any and all Record Management Program(s) adopted under Chapter 203 of the Texas Local
93 Government Code.

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95 (D) All City Officials and Employees shall ensure that any information they create, transmit,
96 receive, or maintain in their official capacity, or while performing official business or a
97 governmental function on behalf of the City, which pertains to official business of the
98 City is preserved in accordance with the City's Records Retention Schedule and promptly
99 produced in response to a request for public information.

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V.

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104 **PROCEDURES.**

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106 (A) Signage Required.

107 i. As required by the Act, the City's OPI shall prominently display the sign prescribed by
108 the Attorney General that contains basic information about the rights of a
109 requestor, the responsibilities of a governmental body, and the procedures for
110 inspecting or obtaining a copy of public information at the following locations:

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112 *The City's website;*

113 *The City's Main Message Board, located at Woodcreek City Hall; and*

114 *The Office of the City Secretary.*

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116 ii. The physical sign must be displayed on paper at least 8-1/2" x 14".

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118 (B) Method of Making Written Request for Public Information.

119 i. The City designates the following mailing address and electronic mail for receiving
120 written requests for public information. The City shall provide the designated mailing
121 address and electronic mailing address to any person on request. The City will only
122 respond to a written request for public information that is delivered to the City's OPI
123 by one of the following methods:

124

125 (a) *United States mail addressed as follows:*

126 *The City of Woodcreek*

127 *Office of the City Secretary*

128 *41 Champions Circle*

129 *Woodcreek, Texas 78676*

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131 (b) *electronic mail sent to: OpenRecordsRequest@WoodcreekTX.gov*

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133 (c) *hand delivery to the City's OPI or designated representative*

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137 VI.

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139 CHARGES FOR INFORMATION.
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141 (A) Full cost recovery. To the extent possible, the costs of responding to particular requests for information are
142 to be borne by the requestor and not by the citizens of the City. All requests for information are subject to
143 reasonable charges that include the costs related to reproducing information such as the costs of materials,
144 labor and overhead, as allowed by law. The City follows the guidelines established by the state when
145 applicable. Exceptions can be made in those rare and unusual situations in which the City Secretary
146 determines that waiving charges is in the public interest.

147 (B) Charges for copies and inspection .

148 (1) Copy charge . The charge shall be ten cents(\$0.10) per page for eight and one-half inches by 11 inches
149 black and white copies.

150 (2) Labor and overhead . Labor and overhead shall be charged as allowed by the Texas Administrative
151 Code §70.3, Chapter 552, Texas Government Code, Public Information Act and related rules adopted
152 pursuant to the Public Information Act.

153 (C) Computer-compatible media . If a requestor asks that information be provided on a flash drive, computer
154 disk, or other computer-compatible media, and the requested information is electronically stored, the City
155 shall provide the information on computer-compatible media if the City has the technological capability to do
156 so. The City is not required to purchase any hardware, software, or programming capabilities that it does not
157 already possess to accommodate a particular kind of request. If the City does not have the required
158 technological capabilities to comply with the request in the format preferred by the requestor, the City shall
159 proceed in accordance with the Texas Public Information Act.

160 (D) Other charges . All other fees shall be charged in accordance with the City's public information policy, the
161 Public Information Act, and the rules adopted in accordance with the Public Information Act.

162 VII.
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165 PROHIBITED ACTS.
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167 (A) Unauthorized access to records . It shall be unlawful for any person other than a City Officer or Employee to
168 open city filing cabinets, drawers, binders, or file storage boxes at City Hall without the express permission of
169 the City Administrator or City Secretary.

170 (B) Unauthorized removal of records . It shall be unlawful for any person other than a City Officer or Employee
171 to remove documents, forms, files, information or data from City Hall without the express permission of the
172 City Administrator or City Secretary.

173 (C) Unauthorized destruction of records . It shall be unlawful for any person other than a City Officer or
174 Employee to destroy, deface, obscure, tear, shred, or dispose of documents, forms, files, information or data
175 from City Hall without the express permission of the City Administrator or City Secretary.

176 (D) Unauthorized disclosure of information . It shall be unlawful for any person to disclose to the public any
177 confidential documents, forms, files, information or data from City Hall without the express permission of
178 the City Administrator or City Secretary.

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

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

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

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

201
202 **PROPER NOTICE AND MEETING:** It is hereby officially found and determined that the meeting at
203 which this Ordinance was passed was open to the public as required and that public notice of the time,
204 place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the
205 Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local
206 Government Code.

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

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210 **PASSED, APPROVED and RESOLVED,** this the 8th day of May, 2024, by a
211 _____ **Ayes** to _____ **Nays** and _____ **Abstentions** vote at a Regular Meeting of the City
212 Council of the City of Woodcreek, Texas.

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PLACE	215
CITY SEAL	216
HERE	217
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WOODCREEK, TEXAS

By: _____

Jeff Rasco, Mayor

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222 **ATTEST:**

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Suzanne J. Mac Kenzie, City Secretary

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229 **APPROVED AS TO FORM:**

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City Attorney's Office

DRAFT