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THE CITY OF WOODCREEK

ORDINANCE NO. 2023-03-13-02

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, ADOPTING THE POLICY ESTABLISHING TIME LIMITS FOR PROCESSING REQUESTS OF PUBLIC RECORDS FROM THE CITY OF WOODCREEK; ESTABLISHING MONTHLY AND ANNUAL TIME LIMITS FOR REQUESTING CITY RECORDS; PROVIDING FOR THE FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE & MEETING

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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

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

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WHEREAS the City Council of the City of Woodcreek (“City Council”) seeks to provide standards for establishing time limits for processing requests of public records of the City of Woodcreek, Texas (“City”); and

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WHEREAS the City Council desires to adopt a policy regulating vexatious requests of public records to promote and increase efficiency, responsiveness to the public and economy in City Government; and

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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.

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

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48 **I.**

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

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54 **II.**

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

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59 A) Monthly time limits may not exceed 15 hours per requestor per month.
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61 B) Annual time limits may not exceed 36 hours per requestor during a 12-month period, starting
62 at the beginning of the City's fiscal year.
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64 C) The City Secretary must keep track of each requestor, the request and the amount of time
65 spent compiling the information for the request.
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67 D) The City is required to send with the responsive information, a letter informing the requestor
68 of the amount of personnel time spent on the request and how much personnel time has
69 cumulatively been spent on their requests.
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71 E) Once the requestor has surpassed the monthly and annual time limits, the City can impose
72 certain costs on the requestor, in compliance with the cost rules promulgated by the Office of
73 the Attorney General, and provide a written cost estimate for any public record requests
74 received thereafter.
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76 F) The City is not required to locate, compile, produce or provide copies of documents or
77 prepare a written cost estimate until the date the requestor pays each unpaid cost estimate in
78 connection with any previous requests or the previous requests are withdrawn.
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81 **SEVERABILITY CLAUSE:** Should any of the clauses, sentences, paragraphs, sections or parts of this
82 Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency
83 with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this
84 Ordinance. All provisions of this Ordinance are declared severable.

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

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90 **REPEALER CLAUSE:** All Ordinances, Resolutions, or parts thereof, that are in conflict or
91 inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the
92 provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.
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95 **SAVINGS CLAUSE:** The repeal or amendment of any ordinance or part of ordinances effectuated by the
96 enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue
97 of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or
98 as affecting any right of the City of Woodcreek under any section or provisions of any ordinances in effect
99 at the time of the passage of this Ordinance.

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

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

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109 **PASSED, APPROVED and RESOLVED,** this the 13th day of **March, 2024,**

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111 by a _____ **Ayes** to _____ **Nays** vote at a Regular Meeting of the City Council of the
112 City of Woodcreek, Texas.

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PLACE 115
CITY SEAL 116
HERE 117
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WOODCREEK, TEXAS

By: _____
Jeff Rasco, Mayor

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122 **ATTEST:**

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Suzanne J. Mac Kenzie, City Secretary

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129 **APPROVED AS TO FORM:**

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City Attorney's Office