

1 **THE CITY OF WOODCREEK**
2 **ORDINANCE NO. 24-333**

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5 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, ADOPTING THE PUBLIC**
6 **INFORMATION POLICY OF THE CITY OF WOODCREEK; ESTABLISHING STANDARDS FOR REQUESTING,**
7 **PROCESSING, DISCLOSING, AND WITHOLDING CITY RECORDS; PROVIDING FOR THE FINDINGS OF FACT;**
8 **ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE & MEETING**
9

10 **WHEREAS** the City Council of the City of Woodcreek ("City Council") seeks to provide
11 standards for requesting, processing, disclosing, and withholding records of the
12 City of Woodcreek, Texas ("City"); and
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14 **WHEREAS** the City Council desires to adopt a Public Information Policy as a guide for
15 conducting City Business in a professional and uniform manner; and

16 **WHEREAS** the City Council finds that such policy will promote and increase efficiency,
17 responsiveness to the public and economy in City Government; and

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

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

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

25 **WHEREAS** the City Council finds that it is necessary and proper for the good government,
26 peace or order of the City to adopt an ordinance adopting a public information
27 policy.

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

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32 **I.**

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

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

DEFINITIONS.

- (A) Rules of Interpretation. Words and phrases used in this Ordinance shall have the meanings set forth in this section, unless a conflicting definition appears in Texas state law. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances or under Chapter 552 of the Texas Local Government Code, the Public Information Act, shall be given their common, ordinary meaning unless the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

- (B) Specific definitions.
 - i. City Administrator: The Chief Administrative Officer appointed by the City Council.

 - ii. City Hall: The City's Administrative Office Building located at 41 Champions Circle, Woodcreek, Texas 78676.

 - iii. City Official: All elected city officials including the mayor and city council members, as well as persons appointed as members of a city board, commission or committee.

 - iv. City Secretary: The City's Officer for Public Information and the Records Management Officer.

 - v. Officer for Public Information: The City Secretary.

 - vi. Public Information Act: The Texas Public Information Act, Chapter 552 of the Texas Local Government Code.

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IV.

INFORMATION MANAGEMENT.

- (A) Conflicts. This Ordinance is a guide for City Employees and Officers. It should be in no way construed as modifying state laws regarding disclosure of public information or the retention of local government records. This Ordinance is to be read in harmony with other such policies and state statutes when possible so as to give effect to the stated purpose of this Ordinance.

- (B) Record Retention. All "local government records", as defined by the Local Government Records Act, Chapter 201, Texas Local Government Code, as may be amended, shall be maintained in compliance with that statute and any other relevant City policies. All mandatory retention periods established by the Records Retention Schedule set forth in the Texas State Library and Archives Commission shall be closely observed. This Ordinance is to be interpreted and

93 implemented in harmony with any and all retention schedules.
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96 (C) Records Management. This Ordinance is to be interpreted and implemented in harmony with
97 any and all Record Management Program(s) adopted under Chapter 203 of the Texas Local
98 Government Code.
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100 (D) All City Officials and Employees shall ensure that any information they create, transmit,
101 receive, or maintain in their official capacity, or while performing official business or a
102 governmental function on behalf of the City, which pertains to official business of the
103 City is preserved in accordance with the City's Records Retention Schedule and promptly
104 produced in response to a request for public information.
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107 **V.**
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109 **PROCEDURES.**
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111 (A) Signage Required.

112 i. As required by the Act, the City's OPI shall prominently display the sign prescribed by
113 the Attorney General that contains basic information about the rights of a
114 requestor, the responsibilities of a governmental body, and the procedures for
115 inspecting or obtaining a copy of public information at the following locations:
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117 *The City's website;*
118 *The City's Main Message Board, located at Woodcreek City Hall; and*
119 *The Office of the City Secretary.*
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121 ii. The physical sign must be displayed on paper at least 8-1/2" x 14".
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123 (B) Method of Making Written Request for Public Information.

124 i. The City designates the following mailing address and electronic mail for receiving
125 written requests for public information. The City shall provide the designated mailing
126 address and electronic mailing address to any person on request. The City will only
127 respond to a written request for public information that is delivered to the City's OPI
128 by one of the following methods:
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- 130 (a) *United States mail addressed as follows:*
131 *The City of Woodcreek*
132 *Office of the City Secretary*
133 *41 Champions Circle*
134 *Woodcreek, Texas 78676*
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136 (b) *electronic mail sent to: OpenRecordsRequest@WoodcreekTX.gov*
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138 (c) *hand delivery to the City's OPI or designated representative*
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142 **VI.**

143 **CHARGES FOR INFORMATION.**

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146 (A) Full cost recovery. To the extent possible, the costs of responding to particular requests for information are
147 to be borne by the requestor and not by the citizens of the City. All requests for information are subject to
148 reasonable charges that include the costs related to reproducing information such as the costs of materials,
149 labor and overhead, as allowed by law. The City follows the guidelines established by the state when
150 applicable. Exceptions can be made in those rare and unusual situations in which the City Secretary
151 determines that waiving charges is in the public interest.
- 152 (B) Charges for copies and inspection.
- 153 (1) Copy charge. The charge shall be ten cents(\$0.10) per page for eight and one-half inches by 11 inches
154 black and white copies.
- 155 (2) Labor and overhead. Labor and overhead shall be charged as allowed by the Texas Administrative
156 Code §70.3, Chapter 552, Texas Government Code, Public Information Act and related rules adopted
157 pursuant to the Public Information Act.
- 158 (C) Computer-compatible media. If a requestor asks that information be provided on a flash drive, computer
159 disk, or other computer-compatible media, and the requested information is electronically stored, the City
160 shall provide the information on computer-compatible media if the City has the technological capability to do
161 so. The City is not required to purchase any hardware, software, or programming capabilities that it does not
162 already possess to accommodate a particular kind of request. If the City does not have the required
163 technological capabilities to comply with the request in the format preferred by the requestor, the City shall
164 proceed in accordance with the Texas Public Information Act.
- 165 (D) Other charges. All other fees shall be charged in accordance with the City's public information policy, the
166 Public Information Act, and the rules adopted in accordance with the Public Information Act.

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168 **VII.**
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170 **PROHIBITED ACTS.**

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172 (A) Unauthorized access to records. It shall be unlawful for any person other than a City Officer or Employee to
173 open city filing cabinets, drawers, binders, or file storage boxes at City Hall without the express permission of
174 the City Administrator or City Secretary.

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

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

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

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

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

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

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

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

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

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215 **PASSED, APPROVED and RESOLVED,** this the XXth day of XXX, 2024, by a
216 _____ Ayes to _____ Nays and _____ Abstentions vote at a Regular Meeting of the City
217 Council of the City of Woodcreek, Texas.

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PLACE	220
CITY SEAL	221
HERE	222
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WOODCREEK, TEXAS

By: _____

Jeff Rasco, Mayor

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227 **ATTEST:**

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231 *Suzanne J. Mac Kenzie, City Secretary*

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234 **APPROVED AS TO FORM:**

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238 *City Attorney's Office*