

CITY OF COFFEE CITY, TEXAS

ORDINANCE NO. 20190610-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COFFEE CITY, TEXAS ADOPTING AN ORDINANCE ON "RECORDS MANAGEMENT," TO ESTABLISH "TIME LIMITS FOR RESPONDING TO CERTAIN REQUESTS" ESTABLISHING MONTHLY AND ANNUAL TIME LIMITS ON TIME SPENT BY CITY PERSONNEL ON RESPONDING TO A REQUESTOR OF PUBLIC INFORMATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, during the 85th Regular Session of the Texas Legislature, the Texas Legislature passed H.B. 3107 amending the Public Information Act (Chapter 552 of the Texas Government Code) to allow government entities to establish reasonable monthly and yearly limits on the amount of time that personnel of the governmental entity is 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, harassing, repetitive, and/or redundant public information requests asking for a large amount of information can impose great financial and time burdens on the City, as such vexatious requests typically require City personnel to divert their time spent on normal tasks to locate, compile, and reproduce the requested information; and

WHEREAS, the City Council of the City of COFFEE CITY, Texas, finds it to be in the public interest to adopt an ordinance to establish "Time Limits for Responding to Requests that Require Large Amounts of Personnel Time" to establish reasonable monthly and yearly limits on the amount of time that City personnel is required to spend producing public information for inspection or duplication by a Requestor, or providing copies of public information to a requestor, without recovering the City's costs attributable to that personnel time.

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

SECTION 1. Section 1.1 "Records Management" of the Code of Ordinances of the City of COFFEE CITY, Texas, is hereby adopted to establish "Time Limits for Responding to Certain Requests" to read as follows:

Sec. 1.1 Time Limits for Responding to Certain Requests

(a) Annual time limit. Pursuant to Texas Government Code sec. 552.275(a) and (b), 36 hours is the reasonable limit on the amount of time that personnel of the City are required to spend producing public information for inspection or duplication by a Requestor, or providing

copies of public information to a Requestor in any given twelve-month period commencing on October 1 of each year, without recovering the City's costs attributable to that personnel time.

(b) Monthly Time Limit. Pursuant to Texas Government Code sec. 552.275(a) and (b), 15 hours is the reasonable limit on the amount of time that personnel of the City are required to spend producing public information for inspection or duplication by a Requestor, or providing copies of public information to a Requestor in any given monthly period commencing on the first date of each month, without recovering the City's costs attributable to that personnel time.

(c) Records of Time Spent Fulfilling Requests. The Records Management Officer or the designee of such Officer shall be responsible for maintaining records of the cumulative amount of personnel time spent complying with requests for public information from each individual Requestor.

(d) Charges for Personnel Time Spent in Excess of Time Limits. Notwithstanding any provision of this section to the contrary, any Requestor of public information will be charged personnel costs in accordance with Texas Government Code sec. 552.275 for all time in excess of 36 hours in any given twelve-month period commencing on October 1 of each year or 15 hours in a given monthly period commencing on the first date of each month, spent by personnel of the City in producing public information for inspection or duplication by a Requestor, or providing copies of public information to a requestor. The Records Management Officer shall be responsible for providing all notices to the Requestor as required by law, including written statements of accrued time required by Texas Government Code sec. 552.275(d) and written estimates of charges required by Texas Government Code sec. 552.275(e).

(e) Each time a request for public information is received, the requestor shall be provided a written statement of the amount of personnel time spent complying with the request, as well as the cumulative amount of time spent complying with requests for public information from the requestor during the applicable yearly and monthly period.

(f) "Requestor" defined. For purposes of this section, "Requestor" shall have the meaning set forth in Texas Government Code sec. 552.003(6).

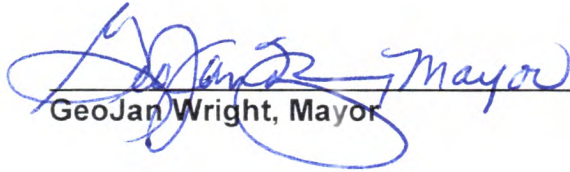
SECTION 2: Severability Clause. Should any article, section, subsection, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Coffee City hereby declares that it would have adopted this Ordinance, and each article, section, subsection, sentence, clause or

phrase thereof irrespective of the fact that any one of or more article, section, subsection, sentence, clause or phrase be declared unconstitutional or invalid.

SECTION 3: Repealing/Savings Clauses. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

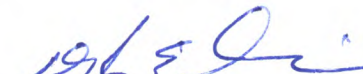
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF COFFEE CITY, TEXAS, ON FIRST READING ON THIS THE 10TH DAY OF JUNE 2019.

APPROVED:



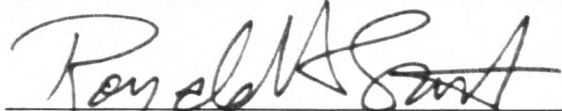
GeoJan Wright, Mayor

ATTEST:



Doug Davis, City Secretary

APPROVED AS TO FORM AND LEGALITY:



CITY ATTORNEY