

ORDINANCE NO. O-2022-00

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, ESTABLISHING A REASONABLE TIME LIMIT ON THE AMOUNT OF PERSONNEL TIME TO RESPOND TO PUBLIC INFORMATION REQUESTS; MAKING VARIOUS FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of La Marque, Texas is a small municipality with limited resources;

WHEREAS, the City of La Marque, Texas spends a large amount of staff time fulfilling public information requests;

WHEREAS, Chapter 552 of the Texas Government Code allows municipalities to establish reasonable limits, of not less than 36 hours per requestor during a 12-month period, on the amount of time City employees 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 the personnel time;

WHEREAS, the City of La Marque, Texas desires to institute a reasonable limits on the amount of time City employees are required to spend producing and responding to public information requests in accordance with Chapter 552 of the Texas Government Code; and

WHEREAS, the City of La Marque, Texas desires to streamline the process for submitting public information requests and adopt Section 552.275 of the Texas Government Code.

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

Section 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council of the City of La Marque, Texas and made a part hereof for all purposes.

Section 2. Pursuant to Section 552.275 of the Texas Government Code the City of La Marque, Texas shall allocate 40 hours per requestor during the City of La Marque, Texas's fiscal year running from October 1, to September 30. If the City of La Marque, Texas receives a public information request that requires more than \$40.00 of staff time to respond to then the City of La Marque, Texas may charge a requestor pursuant to Texas Government Code Section 552.2615 but that time may not be added to a requestor's total under Texas Government Code Section 552.275.

Section 3. In determining whether a time limit established under Section 2 applies, any time spent complying with a request for public information submitted in the name

of a minor, as defined by Section 101.003(a), Family Code, is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has control of the minor under a court order and with whom the minor resides, unless that parent, guardian, or other person establishes that another person submitted that request in the name of the minor.

Section 4. In accordance with the law, each time the City of La Marque, Texas receives a request for public information, the City of La Marque, Texas shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable yearly period. The amount of time spent preparing the written statement shall not be included in the amount of time included in the statement provided to the requestor under this Section.

Section 5. If in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the annual limit established by the City of La Marque, Texas under section 2, the City of La Marque, Texas shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request.

Section 6. If the City of La Marque, Texas provides a requestor with the written statement under Section 5 and the time limits prescribed by Section 2 regarding the requestor have been exceeded, the City of La Marque, Texas is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the City of La Marque, Texas provided the written statement under that Section, the requestor submits payment of the amount stated in the written statement provided under Section 5.

Section 7. If the requestor fails or refuses to submit payment under Section 6, the requestor is considered to have withdrawn the requestor's pending request for public information.

Section 8. The City Clerk of the City of La Marque, Texas is designated as the Public Information Officer for the City of La Marque, Texas and all public information requests shall be submitted, to the extent possible through the _____ portal available through the City of La Marque Texas's website.

Section 9. The remaining portions of Section 552.275 of the Texas Government Code are incorporated herein to the extent they do not conflict with the provisions of this Ordinance.

Section 9. It is hereby declared to be the intention of the City Council of the City of La

Marque, Texas that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 10. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Section 11. This ordinance is intended to be cumulative and shall not repeal any provision of a previous ordinance or City Code provision, except to the extent that a provision is inconsistent and cannot be reconciled with this ordinance.

Section 12. This Ordinance shall be effective on January 1, 12:01 AM, after final passage by City Council, a public hearing in accordance with Section 2.19 of the City Charter, and publication of this ordinance or a caption that summarizes the purpose of this ordinance.

PASSED AND APPROVED on First reading this the ____ day of _____, 2022.

PASSED, APPROVED, AND ADOPTED on the Second and Final reading this the ____ day of _____, 2022.

Keith Bell
Mayor

ATTEST:

Kierra Nance
Secretary

APPROVED AS TO FORM:

Gus Knebel
Consulting City Attorney

