

ORDINANCE NO. 2019-04-01

AN ORDINANCE OF THE CITY OF CUMBY, TEXAS, AMENDING ORDINANCE 2007-5 BY ADDING ORDINANCE NO. 2019-04-01 PROVIDING "TIME LIMITS FOR RESPONDING TO CERTAIN REQUESTS" ESTABLISHING MONTHLY AND ANNUAL TIME LIMITS ON TIME SPENT BY CITY PERSONNEL ON REPONDING 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/or 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 (known as "vexatious requests") can impose great financial and time burdens on the City, as 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 Cumby, Texas, finds it to be in the public interest to amend Ordinance No. 2007-5 by adding Ordinance No. 2019-04-01 establishing "Time Limits for Responding to Request that Require Large Amounts of Personnel Time" to establish reasonable monthly and/or 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 requestor, without recovering the City's cost attributable to that personnel time.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCEL OF THE CITY OF CUMBY, THAT:

SECTION 1. Ordinance No. 2007-5 is hereby amended by adding Ordinance No. 2019-04-01 providing "Time Limits for Responding to Certain Requests" to read as follows:

Time Limits for Responding to Certain Requests

(a) Annual time limit. Pursuant to Texas Government Code Sec. 552.275(a) and (b), thirty-six (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 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) Records of Time Spent Fulfilling Requests. The Records Management Officer and/or designee shall be responsible for maintaining records of the cumulative amount of personnel time spent complying with requests for public information from each individual Requestor.

(c) 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 thirty-six (36) hours in any given twelve-month period commencing on October 1 of each year 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. 552.275Id) and written estimates of charges required by Texas Government Code Sec. 552.275(e).

(d) "Requestor" Defined. For purposes of this section, "Requestor" shall have the meaning set forth in Texas Government Code Sec. 552.003(6).

SECTION 2. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, and shall not affect the validity of the ordinance as a whole.

SECTION 3. DECLARING AN EMERGENCY. Whereas an emergency is apparent for the immediate preservation of order, health, safety, and general welfare of the public, all rules and regulations requiring the reading of Ordinances more than one time on more than one occasion are hereby suspended.

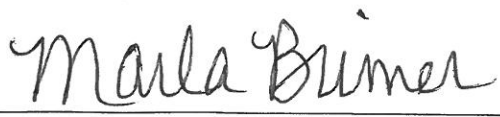
SECTION 4. The ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CUMBY, TEXAS, ON THE FIRST READING ON THIS THE 22nd DAY OF APRIL, 2019.



MAYOR

ATTEST:



CITY SECRETARY