

ORDINANCE NO. O-2020-002

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MAGNOLIA, TEXAS, AMENDING CHAPTER 2 "ADMINISTRATION"
OF THE CODE OF ORDINANCES OF THE CITY OF MAGNOLIA,
TEXAS BY ADDING NEW SECTIONS 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 MAKING OTHER PROVISION
RELATED THERETO.**

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WHEREAS, the City Council of the City of Magnolia, Texas has studied the present provisions of Chapter 2 "Administration" of the Code of Ordinances of the City of Magnolia; and

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; 552.275) 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 requester, or providing copies of public information to a requester, 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

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the City Council and made a part hereof for all purposes.

Section 2. Amendments. Article IV, "RECORDS MANAGEMENT" of Chapter 2 of the City of Magnolia Code of Ordinances is hereby amended by adding a new Section 2-149 as shown in attached Exhibit "A" and incorporated herein for all purposes and reserving for future use Sections 2-150 thru 2-179.

Section 3. Repealing Clause. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

Section 6. Compliance Clause and Effective Date. The City Council finds, determines and declares that a sufficient written notice was posted, and this Ordinance was passed in accordance with the Open Meetings Act. The City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Magnolia in the manner provided and for the time required by Section 52.011(a) of the Local Government Code and shall be applicable to all public information requests received by the City on or after February 1, 2020 and it is accordingly so ordained.

PASSED, APPROVED and ADOPTED by the City Council of the City of Magnolia, Montgomery County, Texas on this the 14th day of January 2020.



CITY OF MAGNOLIA, TEXAS

A handwritten signature in blue ink, appearing to read "Todd Kana".

Todd Kana, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Lynne George".

Lynne George, CPM, TRMC
City Secretary

EXHIBIT "A"

CHAPTER 2

ADMINISTRATION

ARTICLE IV. RECORDS MANAGEMENT

Sec. 2-149. 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 Requester , or providing copies of public information to a Requester 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), fifteen (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 Requester, or providing copies of public information to a Requester in any given monthly period commencing on the 1st 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 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 Requester .

(d) Charges for Personnel Time Spent in Excess of Time Limits. Notwithstanding any provision of this section to the contrary, any Requester 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 or fifteen (15) hours in a given monthly period commencing on the 1st date of each month, spent by personnel of the City in producing public information for inspection or duplication by a Requester , or providing copies of public information to a requester. The Records Management Officer shall be responsible for providing all notices to the Requester 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) "Requestor" defined. For purposes of this section , "Requestor" shall have the meaning set forth in Texas Government Code sec. 552.003(6).

Secs. 2-150—2-179. - Reserved.