

VILLAGE OF VOLENTE

ORDINANCE No. 2019-O-05

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, ADOPTING A POLICY ESTABLISHING RULES OF PROCEDURE FOR INSPECTION AND COPYING OF PUBLIC INFORMATION; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, GOVERNING LAW, AN EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

- WHEREAS**, Section 552.221, Texas Government Code imposes a duty on an officer for public information of a governmental body to promptly produce public information for inspection, duplication, or both on application by any person to the officer; and
- WHEREAS**, the Texas Attorney General’s Office has interpreted the term “promptly” in this subsection, to mean “as soon as possible under the circumstances, that is, within a reasonable time, without delay”; and
- WHEREAS**, in 1973, the Texas Legislature, authorized cities to establish reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay, now codified in Section 552.230, Texas Government Code; and
- WHEREAS**, the Village of Volente is a type B, General Law municipality, employing only one full-time permanent employee, the Village Secretary; and
- WHEREAS**, Section 552.203, Texas Government Code imposes a duty on each officer for public information to carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal; and
- WHEREAS**, the Texas Attorney General’s Office has opined that governmental bodies may deny requests for information when requests raise questions of safety or unreasonable disruption of business; and
- WHEREAS**, the City Council finds that to ensure the protection of city documents, ensure the safety of the city employee, and avoid unreasonable disruption of city business, it is necessary to promulgate reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay.
- WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, the City Council finds that adoption of an ordinance providing reasonable rules of procedure under which public information may be inspected and copied will maximize its human and financial resources while striking a reasonable balance with the obligation of the City to make available public information is reasonable and necessary for the good government, peace and order of the Village and is necessary or proper for carrying out a power granted by law to the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE THAT:

1. FINDINGS OF FACT

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

2. ENACTMENT

Chapter 2 Administration and Personnel, Article 2.07 Records Management of the Village of Volente Code of Ordinances is hereby amended to add Section 2.07.007 so to read in accordance with Attachment "A", which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. STATE LAW GOVERNS

In the event of a conflict between Section 552.230, Texas Government Code and this Ordinance, Section 552.230, Texas Government Code shall control.

4. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

5. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, a public hearing was held, and that public notice of the time, place and purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the 15 day of October 2019, by a vote of 4 (ayes) to 1 (nays) to 0 (abstentions) of the Village of Volente, Texas.

VILLAGE OF VOLENTE:

by: Jana Nace
Jana Nace, Mayor

ATTEST:

Nannette Akinleye, Acting City Secretary

Attachment 'A'

VILLAGE OF VOLENTE CODE OF ORDINANCES

CHAPTER 2: ADMINISTRATION AND PERSONNEL

ARTICLE 2.07: RECORDS MANAGEMENT

Sec. 2.07.007 Rules of Procedure for Inspection and Copying of Public Information

(a) Inspection of public documents made available in response to a Public Information Act request may be conducted by appointment only, scheduled a minimum of two (2) business days in advance. Appointments are available during regular business days on Mondays between the hours of 1:00 pm and 3:00 pm, Wednesdays between the hours of 9:00 am and 12:00 noon, and Fridays between the hours of 1:00 pm and 3:00 pm. Appointments will be booked in the order that they are received for one (1.0) hour time periods. Requests for an appointment can be made in writing at City Hall or by email to the City Secretary.

(b) A requestor must complete the examination of the information not later than the 10th business day after the date the City makes it available. If the requestor does not complete the examination of the information within 10 business days after the date the custodian of the information makes the information available and does not file a request for additional time under Subsection (c), the requestor is considered to have withdrawn the request.

(c) The City Secretary shall extend the initial examination period by an additional 10 business days if, within the initial period, the requestor files with the City Secretary a written request for additional time. The officer for public information shall extend an additional examination period by another 10 business days if, within the additional period, the requestor files with the officer for public information a written request for more additional time.

(d) The time during which a person may examine information may be interrupted by the City Secretary if the information is needed for use by the governmental body. The period of interruption is not considered to be a part of the time during which the person may examine the information.

(e) Any costs associated with the inspection of public documents must be paid in full prior to the initial examination of the information.

(f) To ensure preservation of public records no food, drinks, large bags or purses are allowed in the room during the document inspection process.