

**RESOLUTION No. 2014-129  
CITY OF SHOREACRES**

A RESOLUTION ADOPTING 36 HOURS IN A 12 MONTH PERIOD THAT CORRESPONDS WITH THE CITY'S FISCAL YEAR AS THE TIME LIMIT ON THE AMOUNT OF TIME THAT PERSONNEL OF THE CITY OF SHOREACRES 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 THAT PERSONNEL TIME; PROVIDING RULES FOR REQUESTS BY MINORS AND SENDING NOTICES OF TIME LEFT, IF ANY, AND OTHER COMPLIANCE RULES, AND PROVIDING CERTAIN EXCEPTIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

\* \* \* \* \*

WHEREAS, The City of Shoreacres (hereinafter sometimes "City") has received multiple voluminous requests for Open Records by certain requestors who have arguably abused the process, which has prompted the City to review the Texas Public Information Act and to adopt policies/procedures to curb such abuses; and,

WHEREAS, Pursuant to Subsection 552.275(a) of the Texas Government Code, The City of Shoreacres may establish a reasonable limit on the amount of time that personnel of the City of Shoreacres 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 that personnel time; and,

WHEREAS, the City of Shoreacres' fiscal year is from October 1 to September 30;

**NOW, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES:**

THAT the City of Shoreacres wishes to adopt 36 hours in a 12 month period that corresponds with the City's fiscal year (from October 1 to September 30) as the time limit on the amount of time that personnel of the City of Shoreacres 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 that personnel time.

FURTHER RESOLVED, in determining whether a time limit established above 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.

FURTHER RESOLVED, each time the City complies with a request for public information, the City 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 12-month period. The amount of

time spent preparing the written statement may not be included in the amount of time included in the statement provided to the requestor.

FURTHER RESOLVED, 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 limit established by the City hereunder, the City 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. The written estimate must be provided to the requestor on or before the 10th day after the date on which the public information was requested. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established by rules prescribed by the attorney general under Texas Government Code Sections 552.262(a) and (b).

FURTHER RESOLVED, if the City of Shoreacres determines that additional time is required to prepare the written estimate under Texas Government Code 552.275, subsection (e) and provides the requestor with a written statement of that determination, the City must provide the written statement under that subsection as soon as practicable, but on or before the 10<sup>th</sup> day after the date the City provided the statement under this subsection.

FURTHER RESOLVED, if a City provides a requestor with the written statement under this policy, the City 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 10<sup>th</sup> day after the date the City provided the written statement under that subsection of Texas Government Code Section 552.275, the requestor submits a statement in writing to the City in which the requestor commits to pay the lesser of:

- (1) the actual costs incurred in complying with the requestor's request, including the cost of materials and personnel time and overhead; or
- (2) the amount stated in the written statement provided hereunder.

FURTHER RESOLVED, if the requestor fails or refuses to submit the written statement hereunder, the requestor is considered to have withdrawn the requestor's pending request for public information.

FURTHER RESOLVED, this policy does not prohibit a City from providing a copy of public information without charge or at a reduced rate under Section 552.267 or from waiving a charge for providing a copy of public information under that section.

FURTHER RESOLVED, this policy does not apply if the requestor is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:

- (1) a radio or television broadcast station that holds a broadcast license for an assigned frequency issued by the Federal Communications Commission;
- (2) a newspaper that is qualified under Section 2051.044 to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news;

- (3) a newspaper of general circulation that is published on the Internet by a news medium engaged in the business of disseminating news or information to the general public; or
- (4) a magazine that is published at least once a week or on the Internet by a news medium engaged in the business of disseminating news or information to the general public.

FURTHER RESOLVED, this policy does not apply if the requestor is an elected official of the United States, this state, or a political subdivision of this state.

FURTHER RESOLVED, this policy does not apply if the requestor is a representative of a publicly funded legal services organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.

The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

This Resolution is effective immediately following adoption by the City Council and signature by the Mayor.

PASSED AND APPROVED, this 24th day of February, 2014.

CITY OF SHOREACRES

( CITY SEAL )

By: \_\_\_\_\_  
Matt Webber, Mayor

ATTEST:

\_\_\_\_\_  
David K. Stall, CFM  
City Secretary

M/2		Yea	Nay	N/V	Absent
<input type="checkbox"/>	M. Webber	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	B. Bunker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	S. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	R. Moses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	N. Schnell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M. Wheeler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed \_\_\_\_\_  
David Stall, City Secretary - Date