

ORDINANCE NO. 2019-05-14-001

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS REPEALING ORDINANCE NO. 2008-03-10-001 AND ORDINANCE NO. 2006-12-12-001; AND ESTABLISHING CHARGES FOR PUBLIC INFORMATION IN CERTAIN FORMATS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS.

Whereas, the City of Kempner ("the City") is authorized under Government Code section 552.261 to charge for the cost of providing public information;

Whereas, the City desires to bring the rates that the City charges for providing public information in conformity with the guidelines established by the Office of the Attorney General for governmental bodies across the state; and

Whereas, the fees set forth in this Ordinance are reasonable and necessary;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS, THAT;

**Section 1. Findings.** 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.

**Section 2. Full Cost Recovery.** To the extent possible, the costs of responding to particular requests for information are to be borne by the requestor and not the citizens of the City. All requests for information are subject to reasonable charges that include the costs related to reproducing information such as the costs of materials, labor and overhead, as allowed by law. The City follows the guidelines and allowable charges established by the State, as administrated and discharged by the Office of the Attorney General in the mandates set out in Texas Government Code, Chapter 552, Subchapter A, Section 552.009, as amended, Subchapter D, Section 552.205, as amended, Subchapter F, Sections 552.261 through 552.274, as amended and costs of copies of public information pursuant to Texas Administrative Code, Title 1, Part 3, Chapter 70, as amended from time to time.

**Section 3. Charges for Public Information.** The following fees, as may be amended from time to time by the Office of the Attorney General, shall be charged to any person or entity requesting copies of information from the City:

(A) Standard copies: The charge for standard letter-sized (8 ½ x 11) paper copies reproduced by means of an office machine copier or a computer printer is \$ 0.10 per page or part of a page. Each side that has recorded information is considered a page.

(B) Nonstandard copies: The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor that may be associated with a particular request. The charges for nonstandard copies are

- (1) Oversized paper – anything larger than 8 ½ x 11 - \$.50
- (2) Rewritable CD (CD-RW) - \$1.00
- (3) Nonwritable CD (CD-R) - \$1.00
- (4) Digital Video Disk (DVD) -- \$3.00

(C) Labor Charge: The charge for labor costs incurred in processing a request for public information is \$15.00 an hour. The labor charge includes the actual time to locate, compile, manipulate data and reproduce the requested information. Labor will be charged when the request is 50 or more pages.

(D) Postal and Shipping Charges: The actual cost of any postal and shipping expenses necessary to transmit the requested information shall be charged to the person of the requesting information.

(E) Payment of Charges: All charges authorized by this section must be paid before the requested information will be released. Payment may be made by cash, money order or cashiers check only.

(F) Waiver of Charges: The charges for public information set forth in this section shall be waived for requests from the City Council members, provided that such charges shall not be waived for requests from City Council members that are outside the scope of their capacity as an elected official, for private or personal matters unrelated to their position as a City Council member. Additionally, exceptions can be made in those rare and unusual situations in which the City Secretary determines that waiving charges is in the public interest.

**Section 4. Repealing Ordinances.** Ordinance No. 2006-12-12-001 and Ordinance No. 2008-03-10-001 are repealed in their entirety. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

**Section 5. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED this the 14<sup>th</sup> day of May 2019.

ATTEST:

Stacy Roberts  
Stacy Roberts, City Secretary

CITY OF KEMPNER, TEXAS

Carolyn Crane  
Carolyn Crane, Mayor