

**TOWN OF TROPHY CLUB, TEXAS
ORDINANCE NO. 2012-13**

AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS, AMENDING ARTICLE XIII, ENTITLED "OPEN RECORDS" OF CHAPTER 1, ENTITLED "ADMINISTRATION" BY ADDING A NEW SUBSECTION 13.02, ENTITLED "THIRTY-SIX HOUR TIME LIMIT" TO ESTABLISH THIRTY-SIX (36) HOURS AS A REASONABLE LIMIT ON THE AMOUNT OF TIME THAT TOWN PERSONNEL ARE REQUIRED TO SPEND PRODUCING PUBLIC INFORMATION TO A REQUESTOR WITHOUT RECOVERING COSTS ATTRIBUTABLE TO THAT PERSONNEL TIME; AMENDING ARTICLE VIII "SCHEDULE OF FEES" OF CHAPTER 1, ENTITLED "ADMINISTRATION," TO ADD A SUBSECTION "M" ENTITLED "PERSONNEL CHARGES IN EXCESS OF 36 HOURS" TO SECTION 8.14 ENTITLED "TEXAS ADMINISTRATIVE CODE"; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Trophy Club is a Home Rule Municipality duly formed under the Constitution and the laws of the State of Texas; and

WHEREAS, the Town Council supports and upholds the ideals of the Texas Public Information Act (the "Act")-- namely that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of the City and the official acts of its public officials and employees; and

WHEREAS, the Act establishes no limit on the number of requests a particular requestor may make during any prescribed period of time; and

WHEREAS, many types of requests require a substantial amount of employee or personnel time with which to comply; and

WHEREAS, the Act provides that a governmental body may establish a reasonable limit on the amount of time that personnel of the governmental body 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 Town Council deems it advisable to establish a reasonable number of hours per fiscal year that personnel of the Town will be 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, once such reasonable amount of time is exceeded, the Town Council believes that personnel costs should be recoverable to the extent authorized in V.T.C.A., Government Code §552.275.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS:

**SECTION 1.
INCORPORATION OF PREMISES**

That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
AMENDMENTS**

2.01 Article XIII, entitled "Open Records" of Chapter 1, entitled "Administration" of the Code of Ordinances of the Town of Trophy Club, Texas is hereby amended to add Section 13.02 entitled "Thirty-Six Hour Time Limit" which shall be and read in its entirety as follows:

"13.02. Thirty-Six Hour Time Limit. That pursuant to and subject to the limitations in V.T.C.A., Government Code, §552.275, the Town Council of the Town of Trophy Club hereby establishes thirty-six (36) hours as a reasonable limit on the amount of time that personnel of the Town 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. Costs for time recoverable under this subsection shall accrue in accordance with the Town's Schedule of Fees."

2.02 Section 8.14 entitled "Texas Administrative Code" of Article VIII "Schedule of Fees" of Chapter 1, entitled "Administration" of the Code of Ordinances of the Town of Trophy Club, Texas is hereby amended to add Subsection "m" entitled "Personnel Charges in Excess of 36 Hours" so that Subsection 8.14(m) shall be and read as follows:

"(m) Personnel Charges in Excess of 36 Hours. Notwithstanding any provision contained herein to the contrary, any requestor of public information will be charged personnel costs in accordance with V.T.C.A., Government Code, §552.275 for all time in excess of thirty-six (36) hours 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 during a twelve-month period commencing on October 1 of each year. The Records Management Officer shall be responsible for providing all notices required by law."

**SECTION 3.
CUMULATIVE REPEALER**

That this Ordinance shall be cumulative of all other ordinances of the Town affecting the vehicle parking regulations and shall not repeal any of the provisions of such ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance; whether such ordinances are codified or uncodified, and all other provisions of the Ordinances of the Town of Trophy Club, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. Notwithstanding the foregoing, any complaint, action, cause of action or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such repealed Ordinance(s) shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall be deemed to remain and continue in full force and effect.

**SECTION 4.
SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the Town Council hereby declares it would have passed such remaining of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 5.
ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Trophy Club is hereby directed to engross and enroll this Ordinance in the Ordinance records of the Town and to properly record this Ordinance in accordance with the Town Charter.

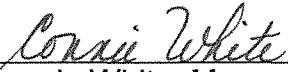
**SECTION 6.
PUBLICATION**

The Town Secretary of the Town of Trophy Club is hereby directed to publish, this Ordinance as required by Section 52.011 of the Texas Local Government Code.

**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

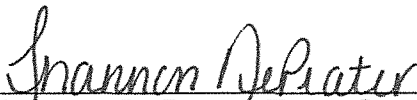
PASSED AND APPROVED by the Town Council of the Town of Trophy Club, Texas, this 21st day of May, 2012.



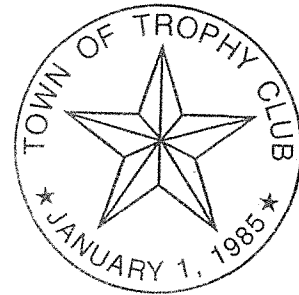
Connie White, Mayor
Town of Trophy Club, Texas

ATTEST:


[SEAL]



Shannon DePrater, Town Secretary
Town of Trophy Club, Texas



APPROVED TO AS FORM:



Patricia A. Adams, Town Attorney
Town of Trophy Club, Texas