CITY OF MOUNT PLEASANT, TEXAS

ORDINANCE 2025-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNT PLEASANT, TEXAS TO ADD A NEW CHAPTER 38 – PUBLIC INFORMATION REQUESTS TO TITLE III – ADMINISTRATION OF THE CITY'S CODE OF ORDINANCES TO ESTABLISH A CHARGE AND REQUIRE PRIOR PAYMENT BEFORE THE CITY RESPONDS TO CERTAIN REQUESTS FOR THE PRODUCTION OF PUBLIC INFORMATION OR FOR COPIES OF PUBLIC INFORMATION IN ACCORDANCE WITH AND PURSUANT TO CHAPTER 552.275 OF THE TEXAS GOVERNMENT CODE; ESTABLISHING A REASONABLE LIMIT ON THE AMOUNT OF TIME PERSONNEL OF THE GOVERNMENTAL BODY ARE REQUIRED TO SPEND PRODUCING PUBLIC INFORMATION FOR INSPECTION OR DUPLICATION TO A REQUESTOR, AND/OR PROVIDE COPIES OF PUBLIC INFORMATION TO A REQUESTOR; ESTABLISHING COSTS TO BE PAID BY THE PUBLIC FOR REQUESTS THAT EXCEED THE REASONABLE LIMIT; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the City of Mount Pleasant, Texas, ("City") is a home-rule municipality that is subject to the requirements of the Chapter 552, Texas Government Code, also known as the Texas Public Information Act ("TPIA"); and

WHEREAS, the City is authorized under Sec. 552.275(a), Texas Government Code, to establish reasonable monthly and yearly limits 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 City Council for the City has determined that adoption of this Ordinance pursuant to Sec. 552.275 of the TPIA is necessary and appropriate to maintain efficient use of limited City resources, including available personnel time, while also complying with all applicable requirements and obligations imposed upon the City under the TPIA; and

WHEREAS, the City Council finds that the minimum monthly and yearly time limits deemed reasonable under Sec. 552.275(b) of the TPIA are indeed adequate to meet the objectives of this Ordinance;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT PLEASANT, TEXAS, as follows:

Section 1. **Recitals.** The above caption and recitals are incorporated herein for all purposes.

Section 2. **Amendment of Code of Ordinances.** The City Code of Ordinances is hereby amended at Title III – Administration to add a new Chapter 38 – Public Information Requests, which shall hereafter read as follows:

TITLE III – ADMINISTRATION

…

CHAPTER 38: PUBLIC INFORMATION REQUESTS

§37.01 – Reasonable Time Limits Established.
The City shall adhere to all applicable requirements and procedures set forth in Section 552.275 of the Texas Public Information Act or "TPIA". In complying with the requirements imposed upon the City by Chapter 552, Tex. Gov't Code, also known as the TPIA, the City Council has determined that:

(1) Thirty-six hours (36 hours) per fiscal year; or
(2) Fifteen hours (15 hours) per calendar month;

are reasonable limits for the amount of time that City personnel are required to spend each year or month, respectively, producing information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering costs attributable to that personnel time.

§37.02 – Calculation of Personnel Time.

(a) 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 monthly or yearly 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 under this subsection unless the requestor's time limit for the period has been exceeded. The amount of personnel time spent complying with a public information shall include the actual time spent locating, compiling, manipulating data, and/or reproducing the requested information, including time spent preparing a redacted version of existing documents if necessary.

(b) 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 under §37.01 of this Chapter, 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 Sections 552.262 (a) and (b) of the TPIA.
(c) This subsection applies only to a request made by a requestor who has made a previous request to the City that has not been withdrawn, for which the City has located and compiled documents in response, and for which the City has issued a statement under §37.02(b) of this Chapter that remains unpaid on the date the requestor submits the new request. The City is not required to locate, compile, produce, or provide copies of documents or prepare a statement under §37.02(b) in response to a new

request described by this subsection until the date the requestor pays each unpaid statement issued under §37.02(b) in connection with a previous request or withdraws the previous request to which the statement applies.

(d) If the City determines that additional time is required to prepare the written estimate under §37.02(b) 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 10th day after the date the City provided the statement under this subsection.

(e) If the City provides a requestor with a written statement under §37.02(b) and the time limits prescribed by §37.01 regarding the requestor have been exceeded, 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 10th day after the date the City provided the written statement under that subsection, the requestor submits payment of the amount stated in the written statement provided under §37.02(b). If the requestor fails or refuses to submit payment under this subsection, the requestor is considered to have withdrawn the requestor's pending request for public information.

§37.03 – Applicability.

The definitions provided by Sec. 552.275(m) of the TPIA are incorporated by reference herein.
This Chapter does not apply if the requestor:

(a) 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) dissemination by a news medium or communication service provider, including:
        (i) an individual who supervises or assists in gathering, preparing, and disseminating the news or information; or
        (ii) an individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; or
    (2) creation or maintenance of an abstract plant as described by Section 2501.004, Insurance Code; or

(b) is an elected official of the United States, this state, or a political subdivision of this state; or

(c) 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.

Section 3. Severability. If any word, phrase, clause, paragraph, part or provision of this Ordinance or its subsections, or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of that subsection, and of this Ordinance, shall nevertheless be valid, and the City Council hereby declares that the subsection would have been enacted without such invalid, or unconstitutional word, phrase, clause, paragraph, part or provision, had the City Council known of the invalidity or unconstitutionality.

Section 4. Conflict. All other Ordinances and parts of other Ordinances directly conflicting with any part of this Ordinance are hereby repealed, only to the extent of such direct conflict.

Section 5. **Effective Date.** This Ordinance shall be effective immediately upon passage by the City Council.

Section 6. **Open Meeting.** It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public and that advance public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED the _____ day of _____ 2025.

_____
Wesley Lyon II
Mayor

ATTEST:

_____
Candias Webster
City Secretary

APPROVED AS TO FORM:

_____
Lea Ream
Attorney for the City