

ORDINANCE NO. 3915

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 1 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 1-15 IN ITS ENTIRETY AND ADDING A NEW SECTION 1-15 REGARDING THE SCHEDULE OF CHARGES FOR PRODUCING RECORDS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the 80th Texas Legislature adopted House Bill 2564 which amends Chapter 552 of the Government Code (also known as the Texas Public Information Act) by adding Section 552.275 which allows the City to establish a reasonable limit on the amount of time that City staff is required to spend producing public information for inspection or duplication without recovering its costs attributable to that personnel time.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Chapter 1 of the Code of the City of Mesquite is hereby amended by deleting Section 1-15 in its entirety and adding a new Section 1-15 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

Sec. 1-15. Schedule of charges for producing records.

- (a) Records containing public information, as defined in Chapter 552 of the Texas Government Code (also known as the Texas Public Information Act), together with any revisions and amendments thereto, shall be produced subject to all charges authorized by such law. The cumulative amount of time spent complying with a request for public information by any single individual or entity which exceeds 36 hours during the City's corresponding fiscal year may be calculated in determining such charges.
- (b) Records containing health care information, as defined and authorized by Chapter 241, Subchapter G of the Texas Health and Safety Code, shall be produced subject to the following charges:
 - (1) Basic retrieval fee for paper copies:
 - a. Including cost for first 10 pages \$30.00
 - b. Plus additional charges:
 - 1. For each page 11 – 60 \$ 1.00
 - 2. For each page 61 – 400 \$.50
 - 3. For each remaining page \$.25

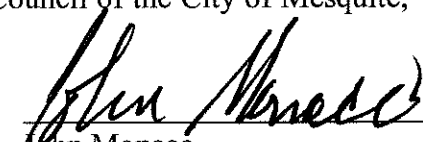
- (2) Basic retrieval fee for records electronically stored:
 - a. Including the cost for first 10 pages \$45.00
 - b. Plus charge for each additional page \$ 1.00
- (3) Fee for written responses to a written set of questions \$10.00
- (c) Additional records shall be subject to the following charges:
 - (1) Tax certificate \$10.00
 - (2) Traffic accident report \$ 6.00
 - (3) Certification of traffic accident report \$ 2.00
 - (4) Certification of other city documents \$ 1.00

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 3. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

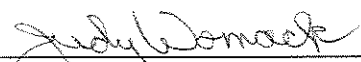
SECTION 4. That the present ordinances of the City of Mesquite are inadequate in regulating charges for the reproduction or copying of public information, creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of December, 2007.




John Monaco
Mayor

ATTEST:



Judy Wornack
City Secretary

APPROVED:



B. J. Smith
City Attorney