

CITY OF AUBREY, TEXAS

PUBLIC INFORMATION COST RECOVERY

ORDINANCE NO. 413-09

AN ORDINANCE OF THE CITY OF AUBREY, TEXAS, AMENDING ORDINANCE NUMBER 412-09 PERTAINING TO ESTIMATES OF COSTS FOR RESPONDING TO REQUESTS FOR PUBLIC INFORMATION; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Aubrey, Texas City Council ("City Council") recognizes that public policy requires public access to public information regarding the affairs of government and the official acts of public officials and employees; and

WHEREAS, the Legislature of the State of Texas, the Office of the Attorney General of the State of Texas and the City Council have recognized the need for reasonable cost-recovery rules and procedures related to locating, compiling, manipulating data, and reproducing public information for inspection, duplication, or copying; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the City of Aubrey, Texas ("City") and its citizens to amend its rules and procedures relating to cost estimates for compliance with public information requests; and

WHEREAS, Chapter 552 of the Texas Government Code authorizes governmental bodies to establish rules and procedures regulating costs relating to the provision of public information.

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

Section 1. Recitals Incorporated

The above-referenced recitals are incorporated herein as if set forth in full for all purposes.

Section 2. Ordinance No. 396-08 Amended

The last two sentences of Section 6.01 of Ordinance No. 396-08 are hereby amended to read as follows:

If the City intends to seek payment from a Requestor for a Personnel Charge, a statement of estimated costs for such Personnel Charge(s) shall be provided to the Requestor on or before the 10th day after the date on which the public information

request was received by the City. If the City does not intend to seek payment from a Requestor for a Personnel Charge, the City shall endeavor to provide a Requestor a statement of estimated costs otherwise required under this section as soon as reasonably practical, but in no event shall the City charge a Requestor in excess of \$40 if the City does not provide an estimate of costs.

Section 3. Savings, Severability and Repealing Clauses

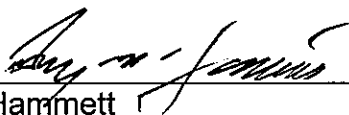
All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, and phrase be declared unconstitutional or invalid.

Section 4. Publication of the Caption Hereof and Effective Date

This ordinance shall be in full force and effective from and after its passage and upon the posting and/or publication, if required by law, of its caption and the City Secretary is hereby directed to implement such posting and/or publication.

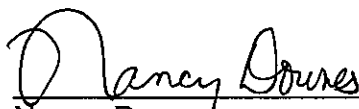
PASSED AND APPROVED by the City Council of the City of Aubrey, Texas this the 17th day of February, 2009.

APPROVED:



Gary Hammett
Mayor

ATTEST:



Nancy Downes
City Secretary

