



## **ORDINANCE NO. 3539**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, CHAPTER 2, "ADMINISTRATION" ARTICLE IV, "PUBLIC RECORDS," BY AMENDING IN ITS ENTIRETY DIVISION 2, "ACCESS" RELATING TO THE PUBLIC'S ACCESS TO PUBLIC INFORMATION; REPEALING ORDINANCE NO. 2793; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in order to ensure that the public's right to access public information maintained by the City and obligation to pay for costs related to providing such access is consistent with the provisions of the Texas Public Information Act, the City Council of the City of Farmers Branch finds it in the public interest to amend Code of Ordinances Chapter 2, "Administration," Article IV, "Public Records," Division 2, "Access" in its entirety and repeal Ordinance No. 2793.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** Chapter 2, "Administration," Article IV, "Public Records" of the Code of Ordinances of the City of Farmers Branch, Texas, is amended by amending Division 2, "Access" in its entirety, to read as follows:

### **DIVISION 2- ACCESS.**

#### **Sec. 2-341. – Designation of Custodian of Records; Duties and responsibilities of the Custodian.**

The city secretary or his designee shall be the custodian of records and shall be responsible for the preservation and care of the records of the City. The custodian of records shall process requests for inspection or copies of public information held or maintained by the City in compliance with the Texas Public Information Act, V.T.C.A., Government Code Chapter 552, as amended.

#### **Sec. 2-342. - Cost of copies and charges for access to records.**

All charges for the search for, retrieval, inspection, or provision of copies of public information maintained by the City shall be assessed in accordance with the Texas Public Information Act, V.T.C.A., Government Code Chapter 552, as amended.

**SECTION 2.** All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect. In addition to the foregoing, Ordinance No. 2793 is hereby repealed.

**SECTION 3.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 4.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 5.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be a misdemeanor offense subject to a fine in accordance with Section 1-14 of the City Code of Ordinances; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 16<sup>TH</sup> OF OCTOBER 2018.**

**APPROVED:**

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Robert C. Dye, Mayor

**ATTEST:**

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Amy Piukana, City Secretary

**APPROVED AS TO FORM:**

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Peter G. Smith, City Attorney  
(KBL:10-10-18:TM 103237)