

RESOLUTION NO. 25-2129

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, ADOPTING THE “SUNSHINE POLICY” TO ENHANCE GOVERNMENT TRANSPARENCY, STREAMLINE PUBLIC RECORDS ACCESS, REDUCE LEGAL COSTS, AND SUPPORT CITIZEN ENGAGEMENT; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

WHEREAS, the Texas Public Information Act (TPIA), Chapter 552 of the Texas Government Code, affirms the right of the people to access public information and requires government bodies to disclose records not specifically exempted by law; and

WHEREAS, the City Council recognizes that while the TPIA permits governmental bodies to assert both mandatory and discretionary exceptions to disclosure, excessive use of discretionary exceptions may hinder transparency, delay access, and increase legal and administrative costs; and

WHEREAS, the City Council desires to affirm the City of Lago Vista’s commitment to openness, accountability, and public service by implementing a proactive disclosure policy that goes beyond the minimum requirements of state law; and

WHEREAS, the proposed “Sunshine Policy” outlines a framework for improved transparency by limiting the use of discretionary exceptions unless explicitly authorized by City Council action, and by increasing the volume and accessibility of proactively published documents; and

WHEREAS, the policy establishes new practices such as:

- Creation of a searchable public records portal for frequently requested documents;
- Designation of the City Secretary’s Office as the point of responsibility for portal management and compliance reporting;
- Formalization of procedures for managing redactions and clarifying open records requests;
- Establishment of a voluntary email transparency program for Council Members and designated staff to publicly share selected non-confidential communications; and

WHEREAS, implementation of this policy will modernize the City's approach to public records, reduce the volume of Attorney General referrals, and promote timely, cost-effective responses to public information requests; and

WHEREAS, the City Council finds that adopting this policy is in the best interest of the citizens of Lago Vista and will position the City as a leader in open government practices within the State of Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

SECTION 1: The City of Lago Vista "Sunshine Policy," attached hereto as *Exhibit A*, is hereby adopted in full.

SECTION 2: City staff, under the direction of the City Manager and City Secretary, shall implement the Sunshine Policy in phases as outlined in Exhibit A, beginning with the proactive publication of development records and other frequently requested public documents.

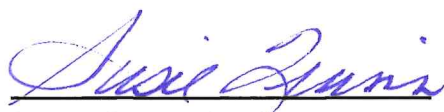
SECTION 3: Discretionary exceptions to the release of public records—such as attorney- client privilege—shall not be asserted by staff or legal counsel unless explicitly authorized by formal vote of the City Council.

SECTION 4: The City Attorney and City Secretary are hereby directed to assist in the implementation, training, and ongoing legal compliance of the policy and to provide quarterly updates to the City Council on its status.

SECTION 5: This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED this 15th day of May 2025.

ATTEST:



Susie Quinn, Interim City Secretary



CITY OF LAGO VISTA



Kevin Sullivan, Mayor

On a motion by Councilor Prince, and seconded by Councilor Roberts the above and foregoing instrument was approved.



City of Lago Vista Sunshine Policy

Purpose:

To increase transparency, reduce the burden of Public Information Act (PIA) requests, and ensure public records are made more accessible to citizens, this Sunshine Policy outlines a proactive and responsible strategy for managing and releasing public information.

I. General

A. Purpose: Pursuant to Government Code section 552.230(a), the City of Lago Vista ("the City") adopts these rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay. The purpose of this policy is to establish uniform and timely procedures for fulfilling public information requests.

B. Commitment to Transparency: It is the City's mission to provide the public with the information they are entitled to in a prompt and responsive manner. All City staff and officials are instructed to interpret the Texas Public Information Act in favor of openness. Requests should be fulfilled as quickly as possible, and staff are encouraged to err on the side of transparency and citizen service when making discretionary determinations.

C. Scope: This policy applies to information created, produced, collected, assembled, or maintained by or on behalf of the City in connection with official business, regardless of format (paper, digital, audio, video, etc.).

D. Policy Commitment: All City officials and employees are required to preserve public records in accordance with the City's records retention schedule and to produce such records in response to valid public information requests. This policy also affirms the City's commitment to work cooperatively with citizens, not against them, and to avoid unnecessary delays or barriers to access.

II. Duties and Responsibilities

A. Public Information Officer / City Secretary: The City Secretary serves as the Officer for Public Information (OPI) and is responsible for:

1. Ensuring the availability of public information for inspection and copying;
2. Safeguarding records from loss, destruction, or alteration;
3. Making reasonable efforts to retrieve responsive records from temporary custodians when necessary;
4. Reviewing and updating this policy as needed following legislative changes.

B. Department Heads and Liaisons: Each department head or their designee acts as the point of contact for managing requests within their division.

C. Temporary Custodians: Any officer or employee who creates or receives public information outside of centralized City systems must return it to the City when requested. Failure to do so may result in disciplinary action.

III. Request Procedures

A. Required Signage: The City shall prominently display signage prescribed by the Attorney General at:

1. The City's online Open Records Request (ORR) Portal;
2. City Hall reception desk;
3. Other locations deemed appropriate by the City Manager or City Secretary.

B. Accepted Submission Methods: Requests for public information must be made in writing via one of the following ways:

1. U.S. Mail addressed to: City Secretary, City of Lago Vista, 5803 Thunderbird St., Lago Vista, TX 78645;
2. Email sent to the City Secretary or official designated ORR email address;
3. Hand delivery to City Hall during business hours;
4. Electronic submission through the City's ORR portal software.

C. ORR Management Software: The City utilizes an online software system to track and manage requests, correspondence, document uploads, redactions, costs, and deadlines. All incoming requests—regardless of how they are received—must be logged in the system.

D. Request Processing:

1. Requests must be submitted during regular business hours and will be timestamped upon receipt.
2. Requests received outside of business hours or on City holidays will be considered received on the next business day.
3. City staff shall assign, acknowledge, and begin compiling responsive documents within three (3) business days.
4. If the City operates on a 4-day work week, Friday's will still count as a business day.

E. Clarification or Cost Estimate:

- If a request is unclear or will result in significant costs (~~over \$15 or more than 50 pages or one hour of staff time~~), the City will issue a clarification or cost estimate letter. These actions reset the ten-day timeline for fulfillment.

F. Response Requirements: The City Secretary must, within ten (10) business days:

- Provide responsive records,
- Request clarification,
- Notify the requester of an Attorney General opinion being sought,
- Notify of more time needed and provide an estimated date for completion,
- Refer to a website link for public access, if applicable.

G. Answering Questions: The Act does not require the City to answer general questions. However, when questions are submitted, the City may respond with documents that reasonably address the topic.

H. Third Party Information: When a request involves potential proprietary or confidential third-party information (such as bid submissions), the City will:

- Notify the third party and the Attorney General within ten (10) business days,
- Allow the third party to present arguments for nondisclosure,
- Withhold or release information based on the Attorney General's determination.

I. Redactions and Routine Exceptions: The City will redact sensitive information such as social security numbers, driver's license numbers, or personal email addresses in accordance with state law. A log of redactions will be maintained in the ORR portal. The City's ORR portal and forms should offer requestors the opportunity to grant upfront permission for automatic redactions, which may expedite processing.

J. Criminal Justice and Police Records: Records related to police activity or criminal investigations often require careful redaction and legal review, particularly when minors, victims, or private citizen data are involved. Many of these records are governed by well-established Attorney General precedents and state statutes. Citizens seeking access to court case information, including citations and criminal records, should be directed to the City's municipal court online portal at: <https://www.municipalrecordsearch.com/lagovistatx/Cases>.

K. Responding to Requests for Confidential or Excepted Information:

1. If the City Secretary identifies information that may be confidential or subject to an exception to disclosure and no previous determination applies, the City must seek an opinion from the City Attorney, who will err on the side of transparency prior to submitting a request to the Office of the Attorney General (OAG).
2. The City Secretary or City Attorney shall file a request for ruling via the OAG Open Records Division e-file portal. If the file is too large, it may be sent via certified mail or delivered by hand.
3. The request must:
 - State the applicable exceptions;
 - Include all supporting documentation required by law;
 - Be submitted no later than the tenth (10th) business day after receipt of the request (known as the "10-day letter").

4. A redacted copy of the 10-day letter (without attachments) must also be sent to the requester by the same deadline. If the City operates on a 4-day work week, Friday's will still count as a business day.
5. Within fifteen (15) business days, the City must submit written comments ("15-day brief") stating why the exceptions apply, including:
 - A copy of the original request;
 - Evidence establishing the date of receipt;
 - Copies or representative samples of the responsive information labeled to show which exceptions apply.
6. A redacted version of the 15-day brief must be sent to the requester, excluding attachments.

L. Legal Consultation for Disclosure Exceptions: The City Secretary must consult with the City Attorney immediately when requests involve potentially sensitive or protected categories, including but not limited to:

1. Juveniles;
2. Sexual assault or harassment;
3. Attempted suicide;
4. Traffic accidents;
5. Medical conditions;
6. Mental or physical injuries;
7. Personal financial information;
8. Law enforcement investigations;
9. Domestic violence;
10. Body-worn camera footage;
11. Police officer personnel records;
12. Pending litigation.

IV. Proactive Transparency & Citizen Access

A. The City will explore creating a centralized public access page or utilizing the Department of Information's free [Texas Open Portal](#), with:

- Budgets and financials;
- Permitting and development services records;
- Ordinances, resolutions, minutes, and legislative documents;
- "super-public" documents;
- Access to the Municipal Court's online search portal.

B. The City shall consolidate links to all proactively available information into a single landing page on the City's website dedicated to open records and transparency.

C. The portal will protect requestor privacy:

- Requestor names will not be published if not required by law.
- Only super-public non-sensitive materials will be displayed.
- No emails or request logs will be made searchable.

D. The public access landing page shall include basic analytics on the volume and status of requests processed each year, including:

- Total number of requests received;
 - Number of requests currently open;
 - Number of requests fulfilled and closed;
 - Number of requests for which an Attorney General opinion was sought. This information shall also be summarized in the City Secretary's monthly departmental report to Council.
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V. Cost Recovery

The City will follow the cost schedule adopted under Texas Administrative Code Rule §70.3. Costs may include:

- \$0.10/page for standard copies
- \$18.00/hour labor charges
- 20% overhead for labor
- Actual cost for storage devices and postage

Charges under \$15.00 may be waived. The City may also offer partial waivers for credentialed press.

VI. Review and Updates

This policy shall be reviewed annually and updated in accordance with legislative changes or administrative recommendations from the City Secretary or City Attorney.

Effective Date: Upon adoption by the Lago Vista City Council

Prepared by: Councilman Shane Saum, in coordination with City Secretary and Legal Counsel