

ORDINANCE 2020-05

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE SHORES, TEXAS TO ADOPT GENERAL CHANGES TO THE CODE OF ORDINANCES BY AMENDING CHAPTER 2. - ARTICLE IV. – SECTION 2-80; AND ARTICLE VI – SECTION 274.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEAR LAKE SHORES, TEXAS, THAT:

Section 1. Municipal Code: That the Clear Lake Shores Municipal Code be and same is hereby amended by adopting the modification of Chapter 2:

Section 2. Current Structure: The current structure of Chapter 2: Administration – Article IV. Claims Against the City – Section 2-80 Liability of city; notice of claim.

The city shall never be liable for any claim for property damage or for personal injury, whether such personal injury results in death or not, unless the person damaged or injured, or someone in the person's behalf, or in the event the injury results in death, the person who may have a cause of action under the law by reason of such death or injury shall, within six months from the date of the injury or damage occurred, give notice in writing to the mayor and the city council of the following facts:

- (1) The date and time when the injury occurred and the place where the injured person or property was at the time when the injury was received;
- (2) The nature of the damage or injury sustained
- (3) The apparent extent of the damage of injury sustained;
- (4) A specific and detailed statement of how and under what circumstances the damage or injury occurred;
- (5) The amount for which each claimant will settle;
- (6) The actual place of residence of each claimant by street, number, city and state on the date the claim is presented;
- (7) In the case of personal injury or death, the names and addresses of all persons who, according to the knowledge or information of the claimant, witnessed the happening of the injury or any part thereof and the names of the doctors, if any, to whose care the injured person is committed.
- (8) In the case of property damage, the location of the damaged property at the time the claim was submitted along with the names and addresses of all persons who witnessed the happening of the damage or any part thereof.

Section 3. Modification Structure: The modification structure of Chapter 2: Administration – Article IV. Claims Against the City – Section 2-80 Liability of city; notice of claim.

The city shall never be liable for any claim for property damage or for personal injury, whether such personal injury results in death or not, unless the person damaged or injured, or someone in the person's behalf, or in the event the injury results in death, the person who may have a cause of action under the law by reason of such death or injury shall, within six months from the date of the injury or damage occurred, give notice in writing to the mayor and the city council of the following facts:

- (1) the damage or injury claimed;
- (2) the time and place of the incident; and
- (3) the incident.

Section 4. Current structure: The current structure of Chapter 2, Article VI. City Records - Section 2-174 Definitions – *City Records*:

City Records:

All papers, correspondence, memoranda, accounts, reports, maps, plans, photographs, sound and video recordings, files, microform, magnetic or paper tape, or other documents which have been or shall be created, received, filed or recorded by any city department are declared to be records of the city, and shall be created maintained and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner, Library and museum materials acquired solely for reference, exhibit or display and stocks of publications shall not constitute records for purposes of this article.

Section 5. Modification Structure: The modification structure of Chapter 2, Article VI. City Records – Section 2-174 Definitions – *City Records*: (V.T.C.A., Local Government Code § 210.002(8))

City Records:

“Local Government Record” means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business. The term does not include:

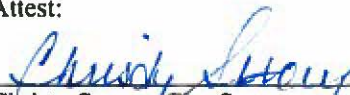
- (A) extra identical copies of documents created only for convenience of reference or research by officers or employees of the local government;
- (B) notes, journals diaries, and similar documents created by an officer or employee of the local government for the officer's or employee's personal convenience;
- (C) blank forms;

- (D) stocks of publications;
- (E) library and museum materials acquired solely for the purposes of reference or display;
- (F) copies of documents in any media furnished to members of the public to which they are entitled under Chapter 552, Government Code, or other state law; or
- (G) any records, correspondence, notes, memoranda, or documents other than a final written agreement describe by Section 2009.054 (c) Government Code, associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a state department of institution, local government, special district, or other political subdivision of the state participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

Section 6. Effective Date. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect immediately upon passage, adoption, and required publication.

PASSED, APPROVED AND ADOPTED THIS THE 19TH DAY OF MAY, 2020.

Attest:


Christy Stroup, City Secretary




Kurt Otten, Mayor