

## Website Posting Requirements for Cities

Updated January 2020 (Highlighted Items are New for 2019 and on)

### Code of Criminal Procedure Art. 62.056

### Voluntary Posting of Sex Offenders

Cities may establish a local website containing information on high risk sex offenders required to register with a local law enforcement authority.

### Election Code § 4.003

### Debt Obligation Election

During the 21 days before a debt obligation election, a city that maintains a website and has ordered a debt obligation election must post the notice of election, the contents of the proposition, and any sample ballot prepared for the election.

Also, a city must provide the following information for the county to post on its website (if the county maintains a website) not later than the 60<sup>th</sup> day before the election day:

- (1) Notice of election
- (2) the name of the building in which the polling place is located, if available;
- (3) the street address and zip code of the polling place; and
- (4) the days and hours of voting at each location.

If the county does not maintain a website, the city must post a copy of a notice of the election on the bulletin board used for posting notices of city council meetings.

### Election Code § 4.008

### Notice of Election

This is a requirement for the county to post on its website certain information the city gives to the county. Not later than the 60<sup>th</sup> day before the election, the city shall provide the notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the city is located. The county will then post that information on its website. The information on the location of each polling place includes:

- (1) the name of the building in which the polling place is located, if available;
- (2) the street address and zip code of the polling place; and
- (3) the days and hours of voting at each location.

### Election Code § 31.016

### Notice of Polling Places

While this is not a posting requirement for cities, the city must provide the following information to the secretary of state to be posted on the secretary of state's website:

- (1) the name of the building in which the polling place is located, if available;
- (2) the street address and zip code of the polling place; and
- (3) the days and hours of voting at each location.

**Election Code § 85.007****Early Voting**

Notice of early voting for an election (which must be included in the election order and election notice) must be posted on the city's website, if the city maintains a website.

**Election Code § 87.121****Early Voting**

When the county clerk is not the early voting clerk and the city clerk is the early voting clerk, information on the roster for a person who votes an early voting ballot by personal appearance or mail must be posted on the city's website, if the city maintains a website. If the city does not maintain a website, it must be posted on the bulletin board used for notice of meetings of the council.

**Election Code § 254.0401****Regulating Political Funds & Campaigns**

Political reports filed with the Texas Ethics Commission must be made available to the public on the Internet not later than the second business day after the date the report is filed.

The clerk of a city with a population of 500,000 or more shall make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee under this subchapter in connection with the office of mayor or member of the city council available to the public on the city's Internet website not later than the fifth business day after the date the report is received.

**Government Code § 551.006****Online Message Board**

A city that uses an online message board must prominently display a direct link to the online message board on the city's website.

**Government Code § 551.056****Open Meeting Internet Posting**

A city or an economic development corporation that maintains an Internet website must post meeting notices on its website. A city with a population of 48,000 or more, or an economic development corporation in a city with a population of 48,000 or more, must post the meeting agenda on its website.

**Government Code § 551.128****Broadcasting Open Meetings over the Internet**

Cities that choose to broadcast open meetings over the Internet must post a 72-hour open meetings notice on the city's website.

The council of a home rule city with a population of 50,000 or more must make an archived copy of the video and audio recording of each regularly scheduled open meeting available on the Internet, no later than 7 days after the recording is made. The archives must be posted conspicuously on the Internet, which includes a pre-existing website, a publicly accessible video-

sharing site, or a social networking site. The recordings must be maintained at least 2 years after they are first made available.

**Government Code § 552.234**

**Public Information Act Form**

A city that decides to use the public information request form created by the attorney general shall post the form on its website.

**Government Code § 1201.0245**

**Capital Appreciation Bonds**

When issuing capital appreciation bonds for any purpose other than for transportation project financing, cities must post on its website various information regarding the issuance, including:

- (1) the total amount of the bonds to be voted on;
- (2) the length of maturity of the bonds;
- (3) the projects to be financed with the bond proceeds;
- (4) the intended use of bond proceeds not spent after completion of the projects financed with bond proceeds;
- (5) the total amount of the city's outstanding bonded indebtedness at the time of the election;
- (6) the total amount of the city's outstanding bonded indebtedness; and
- (7) a written estimate of the cost of the issuance and whether any personal or financial relationship exists between the members of the governing body and any professional associated with the bond issuance. The city must regularly update the debt information posted on its website to ensure its accuracy.

**Government Code § 1251.051**

**Debt Obligation Election**

A city that has at least 250 registered voters on the date the city adopts a debt obligation election order must prepare a voter information document for each proposition to be voted on at the election. If the city maintains an Internet website, it must post the voter information document on its website at least 21 days before the election through the day after the date of the debt obligation election.

**Government Code § 2051.151**

**Taxing Entity Information**

Any city that has the authority to impose a tax that has maintained a publicly accessible Internet website at any time on or after January 1, 2019, must post the following information on a publicly accessible Internet website:

- (1) the city's contact information, including a mailing address, telephone number, and e-mail address;
- (2) each elected officer of the city;
- (3) the date and location of the next election for officers of the city; and

- (4) the requirements and deadline for filing for candidacy of each elected office of the city, which shall be continuously posted for at least one year before the election day for the office;

In addition, any city in a county with 25,000 or more population, and a city with a population of 5,000 or more in a county with less than 25,000 population, must post the following additional information on a publicly accessible Internet website:

- (1) each notice of a meeting of the city's governing body under the Open Meetings Act; and
- (2) the minutes of a meeting of the city's governing body.

### **Government Code § 2254.030**

### **Lobbying Expenditure Disclosures**

A city that enters or has entered into a "contract for consulting services"\* with a state agency, regardless of whether the term of the contract has expired, shall prominently display on its website the following regarding contracts for services that would require a person to register as a lobbyist under state law:

- (1) the execution dates;
- (2) the contract duration terms, including any extension options;
- (3) the effective dates;
- (4) the final amount of money the political subdivision paid in the previous fiscal year; and
- (5) a list of all legislation advocated for, on, or against by all parties and subcontractors to the contract, including the position taken on each piece of legislation in the prior fiscal year.

In lieu of displaying the items described above, a city may post the contract for the lobby services on its website.

\*This is a defined term. A "consulting service" means the service of studying or advising a state agency under a contract that does not involve the traditional relationship of employer and employee. "Consultant" means a person that provides or proposes to provide a consulting service. The term includes a political subdivision but does not include the federal government, a state agency, or a state governmental entity.

### **Government Code § 2265.001**

### **Utility Usage**

All cities that are responsible for paying electric, water, or natural gas utility services must record in an electronic repository the city's metered amount of electricity, water, or natural gas consumed and the aggregate costs for those utility services. The city must report this information on its website.

### **Local Government Code § 41.001**

### **Map of City and ETJ**

If the city maintains an Internet website, it must post a map of the city's boundaries and the extraterritorial jurisdiction on its website.

A home rule city is required to have a digital map of its boundaries and extraterritorial jurisdiction and, if the home-rule city has an Internet website post that digital map on its website.

**Local Government Code § 43.052**

**Annexation Plan**

A city that has an Internet website must post the annexation plan and maintain the posting of the annexation plan with amendments and changes on its Internet website.

**Local Government Code § 43.0561 & § 43.063**

**Annexation Hearings**

If the city has a website, the city must post notice of annexation hearings on the city's website. The notice for each hearing must be posted on the site on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing.

**Local Government Code § 102.005(c)**

**Proposed Budget**

If the municipality maintains a website, the clerk shall ensure the proposed budget is posted on the website.

**Local Government Code § 102.008**

**Approved Budget**

If a city maintains an Internet website: on final approval of the budget, the city must post a copy of the budget, including the cover page on the website and post the record vote for at least a year after the date the budget is adopted. The cover page must include the property tax rates.

**Local Government Code § 140.008**

**Local Debt Reporting**

Cities must compile an annual financial report and must ensure that the report is made available on the city's website until the city posts the next annual report. The contact information for the main office of the city must also continuously posted on the website, including the physical address, the mailing address, the main telephone number, and an email address. As an alternative to preparing a report, the city may provide all required debt information to the comptroller and have the comptroller post the information on the comptroller's official website.

**Local Government Code § 140.010**

**Proposed Property Tax Rate Notice**

A city must post notice of the city's proposed property tax rate on the city's website no later than September 1 or the 30th day after the first date that the taxing unit has received each applicable certified appraisal roll (whichever date is later) until the city adopts a tax rate.

**Local Government Code Ch. 176**

**Conflicts Disclosure**

Chapter 176 requires that certain officers (including mayors, councilmembers, city managers or administrators, and other city employees who exercise discretion in the planning, recommending, selecting, or contracting of a vendor) file a "conflicts disclosure statement" with a city's records

administrator (usually the city secretary) within seven days of becoming aware of any of the following situations:

- The officer or the officer’s family member has an employment or business relationship with a vendor that results in the officer or officer’s family member receiving taxable income of more than \$2,500 in the preceding twelve months.
- The officer or the officer’s family member accepts from a vendor one or more gifts with an aggregate value of \$100 in the preceding 12 months from a vendor.
- The officer has a family relationship with a vendor.

Chapter 176 also requires a “vendor” (a person who enters or seeks to enter into a contract with a city) to file a “conflict of interest questionnaire.” The conflicts disclosure statement (FORM CIS) and the conflict of interest questionnaire (FORM CIQ) are created by the Texas Ethics Commission and are available online at [www.ethics.state.tx.us](http://www.ethics.state.tx.us). Completed forms must be filed on a city’s Internet website.

**Local Government Code § 214.217**

**Model Code Adoption or Amendment**

This section applies only to a city with a population of more than 100,000.

“National model code” means a publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process and that is intended for consideration by units of government as local law. National model codes include the International Residential Code, the National Electrical Code, and the International Building Code.

On or before the 21st day before the date the city council takes action to consider, review, and recommend the adoption of or amendment to a national model code governing the construction, renovation, use, or maintenance of buildings and building systems in the city, the city must publish notice of the proposed action on the city’s website.

**Local Government Code § 271.049**

**Certificates of Obligation**

If a city maintains an Internet website, it must continuously post notice of intention to issue a certificate of obligation on its website for at least 45 days before the passage of the CO issuance ordinance.

**Local Government Code § 284.102(4)**

**Public Right-of-Way Design Specifications**

If the city has public right-of-way design specifications that govern the construction and maintenance of a network provider’s network nodes and node support poles, some city attorneys advise that the safest course of action is to publicly display specifications by posting them on the city’s website.

**Tax Code § 26.065**

**Property Tax Hearings**

If the city has a website, the city must post notice of the property tax public hearing on the website continuously for at least seven days immediately before the hearing on the proposed tax rate increase and at least seven days immediately before the date of the vote proposing the increase in the tax rate.

### **Tax Code § 26.18**

### **Property Taxes**

Note: This section isn't effective until January 1, 2020. Every city that is a taxing unit is required to either maintain an internet website or have access to a generally accessible Internet website that may be used for the purposes of posting tax rate and budget information. The term "taxing unit" means a city that is authorized to impose and is imposing ad valorem taxes on property. TEX. TAX CODE § 1.04(12). Thus, if a city is not imposing ad valorem taxes, the city does not need to maintain a website. The term "generally accessible Internet website" is not defined in the statute, but presumably refers to Facebook or some other website that is widely accessible and on which the city can post its information.

The information required to be posted on a city's website, or generally accessible Internet website, includes:

- (1) the name of each member of the city council;
- (2) the mailing address, email address, and telephone number of the city;
- (3) the official contact information for each member of the city council;
- (4) the city's budget for the previous two years;
- (5) the city's proposed or adopted budget for the current year;
- (6) the change in the amount of the city's budget from the preceding year to the current year, by dollar amount and percentage;
- (7) the amount of property tax revenue budgeted for maintenance and operations for the current year and previous two years;
- (8) the tax rate for maintenance and operations adopted by the city for the current year and previous two years;
- (9) the tax rate for debt service adopted by the city for the current year and previous two years; and
- (10) the most recent financial audit of the city.

### **Tax Code § 312.002**

### **Tax Abatement**

A city that is a taxing unit and maintains an internet website must post the current version of its adopted guidelines and criteria governing tax abatement agreements.

### **Tax Code § 351.1071**

### **Hotel Occupancy Tax Revenue**

A city that uses hotel occupancy tax revenue must publish annually, for the 15-year period following the completion of construction at the authorized facility for which the revenue was used, a report on the city's website that lists:

- (1) for the preceding year, the events held at the authorized facility with respect to which the tax revenue was used and the number of hotel room nights attributable to those events; and
- (2) the amount of hotel revenue and municipal hotel occupancy tax revenue attributable to events held at the authorized facility in that year.

**Transportation Code § 545.356**

**Lowered Speed Limits**

If the council declares a lower speed limit on a highway or part of a highway within the city, not later than February 1 of each year, the city must publish on its Internet website and submit to the Texas Department of Transportation a report that compares for each of the two previous calendar years:

- (1) The number of traffic citations issued by peace officers of the city for speed limit violations and the alleged speed of the vehicles on the affected highway,
- (2) The number of warning citations issued by the city's peace officers on the highway or part of the highway that is affected; and
- (3) The number of vehicular accidents that resulted in injury or death, attributable to speed limit violations, on the affected highway.