

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: May 13, 2014		DATE SUBMITTED: April 30, 2014	
DEPARTMENT OF ORIGIN: City Secretary's Office		SUBMITTED BY: Mary Lynne Stratta	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Resolution – Texas Public Information Act Costs			
Adoption of a resolution to establish a policy for costs incurred to respond to public information requests that require large amounts of personnel time, in accordance with Section 552.275, Texas Public Information Act.			
SUMMARY STATEMENT: The Texas Public Information Act, Section 552.275 authorizes a governmental body to establish a reasonable limit on the amount of time personnel are required to spend producing public records for inspection or copies to a requestor, without recovering the costs attributable to that personnel time. Section 552.275 (b) establishes that the time limit may not be less than 36 hours for a requestor during the 12-month period that corresponds to the governmental body's fiscal year. The established limit applies to all requestors equally except as exempted by the Act.			
This resolution will establish:			
<ul style="list-style-type: none"> - 36 hours as the reasonable limit on the amount of time personnel are required to spend producing public information for inspection or copies without recovering attributable costs per fiscal year - The 12 month period coincides with the City's fiscal year - Requestors who exceed the 36 hour time limit in a fiscal year shall pay all costs attributable to cost of materials, personnel time, and overhead expenses necessary to comply with the request, even if the requestor intends to only inspect the documents. 			
Requestors exempted by Texas Government Code, Section 552.275, if the requestor:			
<ul style="list-style-type: none"> - Publishes news or information and is seeking information for: <ul style="list-style-type: none"> o Radio or television broadcast station licensed by the FCC o Newspaper that is qualified to publish legal notices or is a free newspaper of general circulation published at least once a week for dissemination of news o Newspaper of general circulation published on the Internet that disseminates news or information to the general public o Magazine that is published at least once a week or on the Internet that disseminates news or information to the general public. o Elected official of the United States, the state or a political subdivision of the state. 			
The Act establishes detailed rules and procedures for responding to the requestor during the 12-month period, and for cumulative processing relating to the cost of locating, compiling, and producing the public information.			
The Act provides for a charge of 10 cents per page for fewer than 50 pages of paper records with no labor cost for compiling or producing copies. The adopted policy will provide for a labor charge of \$15.00 per hour, established			

by costs rules of the Act, after 36 hours of personnel time has been expended compiling large volumes of records for inspection or copies, per requestor, per fiscal year.

STAFF ANALYSIS AND RECOMMENDATION: Staff recommends approving the proposed resolution, which will establish reasonable procedures for inspecting or copying records, protects the public's freedom of information and is a benefit to taxpayers by implementing a modest recovery cost.

OPTIONS (In Suggested Order of Staff Preference):

1. Approve the resolution.
2. Modify the resolution so long as it still complies with the Texas Public Information Act, which may require consideration at a future City Council meeting
3. Do not approve the proposed resolution and provide direction to staff

ATTACHMENTS:

Proposed Resolution

FUNDING SOURCE: N/A

APPROVALS: Mary Lynne Stratta 4-30-14

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 5/2/2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 05/06/2014

Revised 05/2013

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, ADOPTING A POLICY FOR COSTS INCURRED TO RESPOND TO PUBLIC INFORMATION REQUESTS THAT REQUIRE LARGE AMOUNTS OF PERSONNEL TIME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Public Information Act (the Act) gives the public the right to request access to government information; and

WHEREAS, the Act authorizes the governmental body to charge and to require payment before complying with certain requests for production of public information or for copies of public information; and

WHEREAS, Section 552.275 of the Act authorizes the governmental body to establish a reasonable limit on the amount of time personnel are required to spend producing public information for inspection or copies to a requestor without receipt of payment for the time incurred; and

WHEREAS, the City desires to establish a time limit under this section to compensate for the costs incurred beyond the time limit that has been established;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN:

SECTION I.

That the City Council hereby adopts the following policy:

**COSTS INCURRED TO RESPOND TO PUBLIC INFORMATION REQUESTS
THAT REQUIRE LARGE AMOUNTS OF PERSONNEL TIME**

PURPOSE

To establish, under the provisions of Texas Government Code Section 552.275, a reasonable limit on the amount of time that personnel are required to spend producing public information for inspection or copies, to a requestor, without recovering the costs attributable to that personnel time. Section 552.275 (b) establishes that the time limit may not be less than 36 hours for a requestor during the 12-month period that corresponds to the fiscal year of the governmental body.

This policy does not replace or supersede other sections of the Act and does not preclude the City from charging labor for a request for copies or a request for inspection for which a charge is authorized under another section of the Public Information Act. The established limit applies to all requestors equally except as exempted by the Act.

DEFINITIONS

Public Information: Information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business of the City, made or received by the City in connection with the transaction of public business, except records that have been designated confidential by federal, state or other law.

Requestor: A person who submits a written request to inspect records, obtain copies of records, or both.

POLICY

The City establishes a reasonable limit of 36 hours per requestor during the 12-month period that corresponds with the City fiscal year on the amount of time that personnel of the City are required to spend producing public information for inspection by a requestor, or providing copies of public information to a requestor, without recovering costs attributable to that personnel time.

Each requestor who exceeds the 36 hour time limit in a fiscal year shall pay all costs attributable to cost of materials, personnel time, and overhead expenses necessary to comply with the request, even if the requestor intends to only inspect the documents.

This policy does not apply to requestors exempted by the Texas Government Code, Section 552.275.

ACCOUNTABILITY

The City Secretary Department will maintain and enforce the policy. It shall be the City Secretary's responsibility to enforce the policy equally to all requestors except as exempted by the Act, to provide detailed statements, and to maintain a record of the cumulative amount of time each requestor has accrued towards the established limit per fiscal year. The City Secretary is hereby expressly authorized to implement additional policies and procedures relative to the handling of requests for public information that are not inconsistent with the Public Information Act and this policy.

SECTION II

That this resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Bryan, Texas, on this _____ day of _____, 2014.

ATTEST:

CITY OF BRYAN, TEXAS:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney