

**FORT BEND COUNTY FY 2010
COMMISSIONERS COURT AGENDA REQUEST FORM**

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted:	03/30/2010	Submitted By:	Michelle Rangel
Court Agenda Date:	04/06/2010	Department:	County Attorney
		Phone Number:	341-4551

SUMMARY OF ITEM:

COUNTY ATTORNEY:

Take all appropriate action on proposed Fort Bend County Public Information Act/Open Records Policy.

RENEWAL AGREEMENT/APPOINTMENT	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
REVIEWED BY COUNTY ATTORNEY'S OFFICE:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

List Supporting Documents Attached: Proposed policy, memorandum, records request form

FINANCIAL SUMMARY:BUDGETED ITEM: **YES** ☐ **NO** ☐ **N/A**

FUNDING SOURCE: Accounting Unit: Account Number: **N/A**
Activity (If Applicable):

DESCRIPTION OF LAWSOM ACCOUNT: _____

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office ☒ (✓ when completed)

If by E-Mail to ospindon@co.fort-bend.tx.us

If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

Auditor	(281-341-3774)	<input checked="" type="checkbox"/>	Comm. Pct. 1	(281-342-0587)
Budget Officer	(281-344-3954)	<input checked="" type="checkbox"/>	Comm. Pct. 2	(281-403-8009)
Facilities/Planning	(281-633-7022)	<input checked="" type="checkbox"/>	Comm. Pct. 3	(281-242-9060)
Purchasing Agent	(281-341-8642)	<input checked="" type="checkbox"/>	Comm. Pct. 4	(281-980-9077)
Road & Bridge			County Clerk	(281-341-8697)
Engineering		<input checked="" type="checkbox"/>	County Atty	(281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify):

COUNTY ATTORNEY

Fort Bend County, Texas

ROY L. CORDES, JR.
County Attorney

(281) 341-4555
Fax (281) 341-4557

MEMORANDUM

DATE: March 25, 2010

TO: Judge Robert Hebert
Commissioner Richard Morrison, Pct. 1
Commissioner Grady Prestage, Pct. 2
Commissioner Andy Meyers, Pct. 3
Commissioner James Patterson, Pct. 4

CC: Roy L. Cordes, Jr., County Attorney

From: Michelle Rangel, Assistant County Attorney *Mr*

Re: Proposed Open Records Policy

The County Attorney's Office intends to place the attached policy on the April 6, 2010 agenda for your consideration. A form is also included that may be used by County Offices and Departments when a public information inquiry is made. The proposed policy summarizes key points of the Texas Public Information Act and contains a provision that would adopt a reasonable limit on time spent complying with individual requests for public information, as authorized by the Texas Attorney General.

In the absence of this type of policy, a governmental body that receives a request that results in 50 or fewer pages of paper records is required to comply with the request without assessing labor costs. The Human Resources Department received such a request this month which will require them to devote approximately 155 hours of personnel time to locate and reproduce the requested information. It unlikely that the request will result in more than 50 pages of materials; therefore the County is prohibited by law from collecting the fees from the requestor. This week, the Tax Office was faced with what appeared to be a similar situation however; the Tax Office was able to determine a more efficient way to respond to the request. The Tax Office was fortunate in that circumstance but more efficient alternatives are not always available. Without adopting a policy, Fort Bend County will continue to be required to comply with requests that could take far more than 36 hours to process at no cost to the requestor; adopting this policy will allow Fort Bend County to charge \$15 per hour after 36 hours have been expended.

It is the opinion of this office that adopting the attached policy strikes a balance between the interests of an individual requestor and the interest of the taxpaying public in those instances where there are not more efficient alternatives.

If you have questions or comments please do not hesitate to contact me.

Purpose

Fort Bend County ("the County") is committed to compliance with the Texas Public Information Act ("the Act") (Texas Government Code Chapter 552). The purpose of this policy is to guide the County's handling of and responses to requests for information under the Act.

1. Policy

- 1.1 All information and records held by the County are public unless they fall within a specific exception to the Texas Public Information Act. Each department is responsible for ensuring compliance with the Act.
- 1.2 Any County personnel receiving inquiries concerning disclosure of information should ask that the request be put in writing. If the department does not release the records to the Requestor, the request should be immediately forwarded to the Fort Bend County Attorney's Office. That office will determine whether the information falls within an exception to the Act. If an exception is claimed, the Fort Bend County Attorney's Office will request a ruling from the Attorney General of Texas. The request for a ruling from the Attorney General must be made within 10 business days of the receipt of the request by the County or the information is deemed public and may be subject to public disclosure.
- 1.3 The Fort Bend County Attorney's Office may coordinate the release of any requested information and will determine the appropriate charges to the requestor for duplication of records using the guidelines of the Office of the Attorney General. The County Attorney's Office may elect to waive charges if the cost of collecting the amount owed exceeds the actual amount charged.
- 1.4 Pursuant to Texas Government Code section 552.275, the County has established a time limit on the amount of time County personnel are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor without recovering its costs attributable to that personnel time. The time limit which has been established by the County shall be 36 hours per fiscal year. Requestors who exceed the 36 hour time limit will be required to pay costs attributable to cost of materials, overhead, and personnel time even when the requestor intends to only inspect the documents. This section does not apply to those requestors exempted by Texas Government Code section 552.275.

Effective: April 6, 2010

Agenda Item: 24

TEXAS PUBLIC INFORMATION ACT REQUEST

Today's Date/Time: _____

Fort Bend County Offices
Richmond, TX

Name of Requestor: _____

Mailing Address: _____

Telephone #: _____
(Please Circle One) Home/Cell/Work

E-mail Address: _____

Fax #: _____

I prefer to receive the records(s)

☐ By postal mail at the mailing address above ☐ By e-mail at the e-mail address above
☐ Pick-up by calling the phone # above ☐ By faxing to the fax # above

Dear Officer for Public Information:

Under the Texas Public Information Act, chapter 522 of the Government Code, I request the following (please specify as clearly as possible what information is sought (i.e....dates, times, addresses, names etc):

Sincerely,

(Requestors Signature)

Fort Bend County will produce records in accordance with the timelines of the Texas Public Information Act. Please be advised that some of the records you may receive could contain information that has been redacted in strict accordance with the requirements of the Texas Attorney General. The Texas Attorney General can be reached at 1-877-673-6839.