

RESOLUTION NO. 2015-02-09-R

A RESOLUTION OF THE CITY OF PRINCETON, TEXAS, RELATIVE TO REPEALING THE EXISTING POLICY IMPLEMENTING THE PUBLIC INFORMATION ACT; APPROVING A NEW POLICY IMPLEMENTING THE PUBLIC INFORMATION ACT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 552 of the Texas Government Code provides the statutory procedures associated with the release of public information, provides for mandatory and permissive exceptions to the dissemination of public information, and authorizes imposition of bonds and the collection of costs; and

WHEREAS, the City Council has determined that it is in the best interests of open government to ensure uniformity in the application, operation and access to public information by establishing a Public Information Act Policy (“PIAP”); and

WHEREAS, the City Council has determined that the existing PIAP should be updated and revised, and that the most efficient means of doing so is to revoke the existing PIAP in its entirety and replace it with a revised version;

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

Section 1. The City Council hereby repeals the current Public Information Act Policy, originally adopted on October 22, 2012, as Exhibit A to Resolution No. 2012-10-22-R, in its entirety, said repeal effective immediately after passage of this resolution.

Section 2. The City Council hereby adopts a new Public Information Act Policy, attached hereto as Exhibit A and incorporated herein for all purposes.

Section 3. It is the intent of the City Council that should any section, paragraph, sentence, subdivision, clause, phrase or provision of this Resolution or the attached Policy be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Resolution or the attached Policy as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this Resolution or the attached Policy.

Section 4. This Resolution is approved, during the open session of a regularly scheduled meeting of the City Council of the City of Princeton, duly noticed consistent with the Open Meetings Act, by a majority affirmative vote of the governing body of the City.

Section 5. This Resolution shall take effect immediately after its passage.

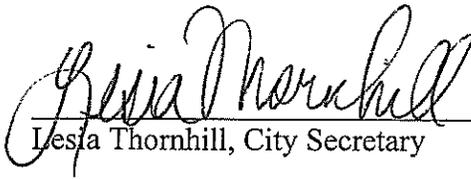
PASSED, APPROVED AND ADOPTED this 9th day of February, 2015.

CITY OF PRINCETON, TEXAS



Ken Bowers, Mayor

ATTEST:



Lesia Thornhill, City Secretary



**PUBLIC INFORMATION ACT POLICY
CITY OF PRINCETON**

I. POLICY

This policy is intended to comply in all particulars with the Public Information Act as set forth in Chapter 552, Texas Government Code (the "Act" or "PIA"), as it exists, as it may be amended, and as it may be interpreted by Attorney General Rulings, Decisions, Opinions, and applicable case law. The Attorney General has published a *Public Information Handbook* that provides guidance to both staff and citizens on the process and applicable rules. The City may establish reasonable procedures for inspecting and/or copying information.

II. DEFINITIONS

Archival Box means a box that measures approximately 12.5"W x 15.5"L x 10" H, and on average contains 4000 pages. 1 TAC 70.2(10)

Department Contact means the director or supervisor over the department, or their designee to implement the policy in the department.

Normal Business Hours means between 8:00 a.m. and 5:00 p.m., Monday through Friday, except for City-observed holidays.

Public Information Officer means the Deputy City Secretary or his/her designee.

III. ACCESS TO INFORMATION

"The Act is triggered when a person submits a written request to a governmental body. The request must ask for records or information already in existence. The act does not require a governmental body to create new information, to do legal research or to answer questions. In preparing a request, a person may want to ask the governmental body what information is available. To make a request, a requestor may be required to submit the request in writing . . . the governmental body's duty under section 552.301(a) to request a ruling from the attorney general arises only after it receives a written request." 2012 Public Information Act Handbook, page 43.

1. The City has implemented a program called "GovQA", accessible through its website, as a part of its ongoing efforts to streamline requests for Public Information for the convenience of the public. The use of the program is not required to request information from the Public Information Officer, but in submitting a request, the requestor must include the following information:
 - a. The requestor's name and address;
 - b. The requestor's telephone number;
 - c. A clear description of the information being sought.

2. Requests for access to City information should be made to the Public Information Officer. All requests sent via e-mail should be directed to the Public Information Officer at tmonk@princetontx.us or via fax to 972/734-2548. Although City staff is directed to forward any written requests delivered by hand or US mail to the Public Information Officer as soon as is practicable (within 24 hours if possible), the submission of a request for public information to any person other than the Public Information Officer is likely to impede the City's ability to properly and quickly respond.

3. Generally readily available information, not excepted from public disclosure, are the following:
 - a. City Ordinances
 - i. Zoning Ordinance
 - ii. Subdivision Ordinance
 - b. Approved Minutes of Meetings
 - c. Official Maps
 - d. Approved/Adopted Financial Audits and Budget

IV. STAFF PROCEDURES

1. The person receiving the request should date stamp the request and direct it to the proper department contact. All written requests delivered by means other than fax or e-mail should be submitted to the Public Information Officer within 24 hours of receipt. City employees or officials who are inappropriately targeted by fax or e-mail requests will notify the requestor of the appropriate recipient for requests for public information. The following message can be used to provide this notice:

"To whom it may concern:

Please be advised if the [email or fax] I received on [month/date/year] was intended to be a request for public information, I am not an authorized officer for public information for the City of Princeton, and therefore I cannot respond to the request. A request for public information may be sent to the Public Information Officer in accordance with the City's Public Information Act Policy, Article III. This policy can be accessed at www.princetontx.gov or by sending a written request to the Public Information Officer. If you have any questions about this, please direct them to the Public Information Officer. Thank you for your cooperation."

2. City employees may not ask the requestor why he/she is requesting the information. A requestor's motivation or reasons for requesting public information cannot be considered by the City.
3. The request should reasonably describe the information being sought. If the request is overly broad or vague, the requestor may be asked to clarify the request. All requests for clarification must be in writing. All responses for clarification must be in writing or memorialized by the Public Information Officer in writing and kept as part of the PIA request.
4. If a large amount of information has been requested, the Public Information Officer may discuss with the requestor how the scope of the request might be narrowed. All narrowing of scope of the request shall be made in writing or memorialized by the Public Information Officer in writing.
5. The Public Information Officer will review the request to determine whether the information sought is open to the public.
6. If the information is determined to be public, the Officer for Public Information should arrange for the information to be made available to the requestor as soon as possible.
7. Public information must be provided in the format requested as long as the City is technically capable of providing the data in the requested format. In some instances, programming and manipulation of data may be necessary to comply with the request. In such cases, appropriate charges will be assessed to the requestor in accordance with the cost provisions of the Act.

8. The Act requires that the information be provided promptly. If the information is in active use, or if the information cannot be provided within ten (10) business days after the date the information is requested, the City must notify the requestor in writing of that fact and set a date and hour within a reasonable time when the information will be available for inspection or copying. This written notice will typically be sent to the requestor within 10 business days after receiving the request.
 - a. The department contact should notify the Public Information Officer within three (3) days of receipt of the request if additional time will be needed and include an estimate of when the information can be made available to the requestor.
 - b. When necessary, the Public Information Officer will send the written notice to the requestor if additional time is needed to provide the information.
9. All official notifications and responses shall come from the Public Information Officer or the City Attorney's office.
10. After the information is provided to the requestor, the Public Information Officer shall attach a copy of the information to the request for inclusion in the City's official record. Requests for Public Information are considered public information.
11. If it appears that the information falls within one of the mandatory or permissive exceptions to public disclosure, the request should immediately be forwarded to the City Attorney. A copy of the information sought shall also be sent to the City Attorney. If the request is for a large volume of information, the City Attorney may ask to review the information, or to receive representative samples of the documentation. All communication with the City Attorney must be coordinated with the Public Information Officer.
12. The City will typically only have ten (10) business days after the date the request is received to prepare and submit a request to the Attorney General for a ruling. Any delay in providing the City Attorney with the request and/or responsive information may affect the ability of the City Attorney to submit a complete and accurate request for Attorney General decision. The City Attorney will coordinate with the Public Information Officer to prepare and send the proper notifications to the requestor.

13. If the City determines that it is appropriate to ask a requestor to clarify or narrow a request, the deadlines for requesting an Attorney General decision or providing access to responsive materials will be extended in accordance with applicable law.

V. MUNICIPAL COURT

1. Records of the Judiciary are not subject to the Act but may be subject to the common law right of Public Information.
2. The Court Clerk shall process all requests for public information for court records under the guidance of the Municipal Court Judge, the City Attorney and the Public Information Officer.

VI. GENERAL GUIDELINES REGARDING AVAILABILITY OF INFORMATION

1. Upon a determination by the Public Information Officer that the information is available for release, the information should be made available during regular business hours at City Hall. Once notified that the information is available for inspection, requestors shall have ten (10) business days to contact the Public Information Officer and schedule a time for inspection.
2. Generally a requestor may choose to inspect or to copy public information, or to both inspect and copy public information. When copies are requested, the City department that has custody of the information shall make the copies and provide the same to the Public Information Officer.
3. Whenever practical, copies of original records should be made available to the requestor for review. Original records may not be removed from the offices of the City. Requestors may be allowed to review original records under the supervision of a City employee.
4. The examination of information by a requestor may be interrupted if the information is needed for use by the City.
5. The department contact and any City employee dealing with requests for public information shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media.

6. The City is not required to provide a copy of information in a commercial book or public purchased or acquired by the City for research purposes if the book or publication is commercially available to the public.
7. The City shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the City.
8. The City is not required to comply with standing requests for documents that will be created in the future.
9. Once the information is provided, the Public Information Officer or department contact, shall document that the requestor has received the information by one of the following methods:
 - a. The requestor should be asked to sign and date the City's copy of the request if the information is picked up in person.
 - b. If the information is faxed to the requestor, the fax transmittal sheet along with the confirmation showing date and time should be kept and attached to the request.
 - c. If the information is e-mailed to the requestor, a copy of the email shall be printed out, showing the date and time the email was sent, and attached to the request.
 - d. If the information is mailed, the sender shall make note of the date the information was mailed to the requestor at the address provided in the request.
10. The City may require that any person seeking to inspect or to pick up copies of information assembled pursuant to a public information request establish proper identification. The preferred method of establishing proper identification is by provision of a driver's license, but other materials might be acceptable as determined by the City Attorney. The City will make copies of all proofs of proper identity offered for this purpose. Failure to establish proper identification may result in a delay or denial of access to the requested information.

VII. COSTS

The Public Information Officer shall ensure that costs assessed are consistent and in accordance with state law. The following guidelines are to be utilized in determining and collecting costs of providing information.

1. Each department contact should carefully document expenses related to producing the information for each request, including time spent collecting and locating information, supplies used, number of copies, etc.
2. The City will charge for public information in accordance with the cost rules established by the Texas Attorney General, as such rules exist and as they may be amended, or as otherwise provided by state law.
3. Certain information developed by the City for the purposes of informing the public such as budgets, ordinances, brochures and pamphlets, may be provided at no cost if so approved by Council as in the public interest. To the extent practicable, the City will endeavor to maintain its website up-to-date, including such documents of general interest such as ordinances, agendas, minutes or meetings, maps, budgets, etc.
4. Bond. The City shall require a bond, prepayment or a deposit if the estimated costs exceed \$100. The Public Information Officer shall notify requestors in writing of any bond, prepayment, or deposit requirements and the procedures for submission. If a required bond, prepayment, or deposit is not received within ten (10) business days, the request is considered to have been withdrawn. When a bond, prepayment, or deposit is provided by a requestor, the date that it is received is considered to be the date the request is received by the City.
5. Requests that Require a Large Amount of Personnel Time:
 - a. Consistent with Section 552.275, costs attributable to personnel charges related to a request shall be assessed if:
 - i. The amount of time that personnel are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, exceeds 36 hours in the 12 month period corresponding to the City's fiscal year. The time spent producing public information for each and every request from a single requestor during the corresponding fiscal year is aggregated for purposes of the 36 hour threshold.
 - ii. Once the requests exceed 36 hours in a 12-month period corresponding to the City's fiscal year, the requestor shall be required to compensate the City for costs attributable to personnel time exceeding the 36 hour threshold.

- 1) This provision does not preclude the City from assessing labor charges for a request for copies or a request for inspection as authorized under other provisions of the Act. Labor costs are calculated using the hourly rates set by the State of Texas, and were set as \$15.00 per hour in 2014. Labor charges and personnel charges will not both be assessed for any individual request.
 - 2) When the requestor meets or exceeds 36 hours, the Public Information Officer shall also assess charges for overhead expenses and materials for all subsequent requests.
 - 3) When necessary, the Public Information Officer will typically provide a written estimate of charges within ten (10) business days of receipt of the request, even if the estimated total will not exceed \$40.00.
- b. The time limit established herein shall be applied to all requestors equally, except for those exempted under the Act, and the Public Information Officer shall record the number of hours required to respond to each requestor in the City's 12-month fiscal year.
- i. The Public Information Officer shall provide each requestor with a statement detailing the time spent in complying with the current request and the cumulative amount of time the requestor has accrued toward the established limit. Time spent preparing the statement shall not be included in any charges. The statement described in this subsection may be combined with or accompany other City correspondence to the requestor, such as an estimate of copying costs.

6. Charges for Inspection:

- a. The Public Information Officer shall charge for copies of any page that must be copied so that confidential information may be redacted to enable the requestor to inspect the information subject to release. Tex. Gov't Code, 552.271.
- b. If the information requested exists only in an electronic medium and a copy is not requested, requestors may be subject to charges if compliance with the request will require programming or manipulation of data.

A deposit, bond, or prepayment of anticipated personnel costs will be required if only inspection is requested if

The Public Information Officer estimates that it will require more than 5 hours to prepare the records for inspection (including the time required to locate and compile the records, redact confidential information and to make copies of pages requiring redaction), and:

- 1) The records sought to be inspected are older than 5 years; or
- 2) The records completely fill, when assembled, 6 or more archival boxes

c. Personnel time spent responding to requests for inspection is included in the calculation of the requestor's 36 hour per fiscal year threshold.

7. Overdue Balances:

If the requestor has an overdue balance exceeding \$100, the Public Information Officer shall require full payment or obtain a security deposit before processing additional requests from the same requestor.

VIII. MISCELLANEOUS

1. Department Contacts should address any questions regarding the policy and procedures for processing PIA requests to the Public Information Officer.
2. Requests for Public Information may be submitted in person, by mail, via fax or email:
 - a. Via Facsimile: Attn: Public Information Officer: 972-734-2548
 - b. Via Email: openrecords@princetontx.us
 - c. Via Mail: Public Information Officer, 123 W. Princeton Drive, Princeton, Texas 75407
3. Any matters or issues not addressed by this Policy relative to public information shall be governed by the provisions of the PIA and any other applicable laws or policies.
4. Helpful information on the Public Information Act is available at:
 - a. Attorney General's Website: ww.oag.state.tx.us
 - b. Texas State Law Library: 512/463-1722
 - c. Cost Rules Administrator: questions concerning charges:

- i. 888/672-6787 (888)ORCOSTS or (512) 475-2497
- d. Open Government Hotline:
 - i. 512/478-OPEN (6736) or
 - ii. Toll Free at: 877- OPEN TEX or 877.673.6839