

STATE OF TEXAS

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COUNTY OF BREWSTER

**AN ORDER OF THE BREWSTER COUNTY COMMISSIONERS COURT TO LIMIT THE EXPENDITURE OF TIME AND UNCOMPENSATED RESOURCES WHEN RESPONDING TO A PUBLIC INFORMATION REQUEST PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 552.275**

**WHEREAS**, the Brewster County Commissioners Court is a government body as defined under the Texas Public Information Act which must comply with a request for public information; and

**WHEREAS**, the State of Texas has amended the Texas Public Information Act (Texas Government Code chapter 552, hereinafter the "Act") to add Section 552.275 that allows a public entity to charge a fee for the amount of time and resources spent on public information requests from the same individual during a 12 month period after a reasonable period of not less than 36 hours has been expended upon such request; and

**WHEREAS**, the Brewster County Commissioners Court desires to direct the County Judge and the other elected County officials, in their respective capacities as officers for public information under the Act, to take advantage of the protections afforded under the laws of the State of Texas, so as to save the County's taxpayers and the County from incurring unreasonable expenditures of staff time and uncompensated expenses in responding to unreasonable Public Information Act requests; and

**WHEREAS**, by this Order the Brewster County Commissioners Court seeks to amend, supersede, and or adopt any policies, rules, or internal guidelines consistent with the limits established under Texas Government Code Section 552.275;

**NOW, THEREFORE, BE IT ORDERED BY THE BREWSTER COUNTY COMMISSIONERS COURT THAT:**

1. **Approval Of Recitals As Findings Of Fact.** The foregoing recitals, having been found by the Commissioners Court to be true and correct, are hereby incorporated into this Order as findings of fact.
2. **Adoption Of An Aggregate Time Limit For The Public Information Officer To Respond To Requests For Public Information.** The County Judge and other elected County officials, in their respective capacities as officers for public information under the Act, as well as their assistants, agents, and employees, are hereby directed to adopt, use, and follow all requirements of Texas Government Code Section 552.275 when responding to a request for Public Information. It is hereby established, that a reasonable limit on the amount of time that personnel of Brewster County are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor is a **total of 36 hours** for any particular requestor during the 12-

month period that corresponds to the fiscal year of Brewster County.

3. **Timekeeping Requirement.** The County Judge and other elected County officials, in their respective capacities as officers for public information under the Act, as well as their assistants, agents, and employees, are hereby directed to track and record their time spent producing public information for inspection or duplication by a requestor. The officer for public information, as defined by section 552.201 of the Act, shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information to the County from that requestor during the applicable 12-month period. The amount of time spent preparing the written statement may not be included in the amount of time included in the statement provided to the requestor.
4. **Coordination of Timekeeping.** The County Judge and other elected County officials, in their respective capacities as officers for public information under the Act as well as their assistants, agents, and employees, are hereby directed to coordinate their timekeeping records for purposes of establishing the aggregate amount of time spent in responding to a requestor's requests during each fiscal year of the County, so that an accurate account can be provided to the requestor of the aggregate time spent in responding to the requestor's requests for public information.
5. **Estimate Of Expenses.** If in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the limit under Section 2 above, the officer for public information shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The written estimate must be provided to the requestor on or before the 10th day after the date on which the public information was requested. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established by rules prescribed by the Attorney General under Sections 552.262(a) and (b). If the officer for public information determines that additional time is required to prepare the written estimate under Subsection 552.275(e) and provides the requestor with a written statement of that determination, the officer for public information must provide the written statement under that subsection as soon as practicable, but on or before the 10th day after the date the officer for public information provided the statement under Subsection 552.275(f).
6. **Written Response From Requestor.** The officer for public information is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the officer for public information provides the written statement under subsection 552.275(e), the requestor submits a statement in writing to the officer for public information in which the requestor commits to pay the lesser of:
  - (a) the actual costs incurred in complying with the requestor's request, including the cost of materials and personnel time and overhead; or
  - (b) the amount stated in the written statement provided under Subsection 552.275(e).

If the requestor fails or refuses to submit the written statement under subsection 552.275(g) the requestor is considered to have withdrawn the requestor's pending request for public information.

7. **Previous Policies Not Consistent With This Order Are Revoked.** Any previous policies or guidelines concerning Brewster County's response to a request for public information which conflicts with this Order are hereby amended or revoked to conform to this Order.
8. **Compliance With Section 552.275 of the Act.** Any provisions of this Order that are found to be in conflict with Section 552.275 of the Act, or any future amendments thereto, shall be superseded and replaced by the applicable provisions of Section 552.275 of the Act.

**BE IT SO ORDERED.**

Passed and Approved this 6 day of Sept, 2012.

**BREWSTER COUNTY, TEXAS**

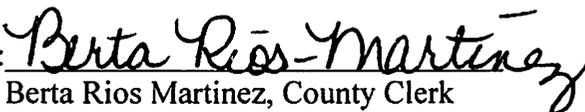
  
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Wal Beard, County Judge

  
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Asa "Cookie" Stone, Commissioner, Precinct 1

  
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Kathy Killingsworth, Commissioner, Precinct 2

  
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Ruben Ortega, Commissioner, Precinct 3

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Commissioner, Precinct 4, Vacant

ATTEST:   
Berta Rios Martinez, County Clerk