

2-4-98

ORDINANCE NO. 098-626

AN ORDINANCE ESTABLISHING THE PROCEDURE AND COSTS FOR THE SECURING OF PUBLIC RECORDS UNDER THE TEXAS PUBLIC INFORMATION ACT.

**BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VINTON, TEXAS, THAT:**

I.

**General Rule:** Section 552.001(a) of the Public Information Act (previously known as the Texas Open Records Act) provides that all information in the possession of governmental bodies is open and available to the public unless a provision of the Act or another law provides otherwise.

Public Information includes not only paper records, but also electronic computer records and information on magnetic tape, film, mylar, linen, silk, and vellum. The Village is required to provide the copy in the requested medium if it has the technological ability and equipment to handle the request. If the Village does not have the technological ability and equipment necessary to handle the request then it must provide the information in another available medium acceptable to the requester.

The Public Information Act allows the Village a reasonable amount of time to comply with the request. If the information cannot be produced within ten (10) days after the request then a written appointment will be given to the requester indicating the date and hour when the information will be available for inspection.

II.

**Charges:** The Public Information Act addresses charges for providing copies of public information as follows:

<u>Service Rendered</u>	<u>Charge</u>
(1) Standard-size paper copy	\$.10 per page

(2) Non standard-size copy	
(A) Diskette	\$1.00 each
(B) Magnetic Tape	\$10.00 each
(C) VHS video cassette	\$2.50 each
(D) Audio cassette	\$1.00 each
(E) Paper copy	\$.50 each
(F) Other	Actual cost
(3) Personnel charge	\$15.00 per hour
(4) Overhead charge	20% of personnel charge
(5) Microfiche or microfilm charge	
(A) Paper copy	\$.10 per page
(B) Fiche or film copy	Actual cost
(6) Remote document retrieval charge	Actual cost
(7) Computer resource charge	
(A) Mainframe	\$17.50 per minute
(B) Midsized	\$3.00 per minute
(C) Client/Server	\$1.00 per minute
(D) PC or LAN	\$.50 per minute
(8) Programming time charge	\$26.00 per hour
(9) Miscellaneous supplies	Actual cost
(10) Postage and shipping charge	Actual cost
(11) Fax charge	
(A) local	\$.10 per page
(B) long distance, same area code	\$.50 per page
(C) long distance, different area code	\$1.00 per page
(12) Other costs	Actual cost

The legislation prohibits a local government from including costs of material, labor, or overhead as additional charges to the above for paper records of 50 pages or less, unless the pages to be copied are located in more than one building or in a remote storage facility. However, the Act does allow a local government to require a deposit or bond for payment if the cost for providing information is estimated to exceed \$100.00.

### III.

Form of application

REPRESENTING FIRM OR COMPANY:  
(If Applicable) \_\_\_\_\_

Person requesting information: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Description Public Record(s) being requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature)

Records requested for \_\_\_\_\_ review only, \_\_\_\_\_ copies  
Cost of copies of public records are indicated by Article 6252-17a, 9(a), (b), (f)  
and (g).

\_\_\_\_\_  
DO NOT WRITE BELOW THIS LINE  
\_\_\_\_\_

OFFICE FOR PUBLIC RECORDS  
RESPONSE

Documents provided for review only on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at  
\_\_\_\_ o'clock \_\_\_\_ .m.

Copies made and provided to request on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at  
\_\_\_\_ o'clock \_\_\_\_ .m.

Cost charged to requester: \$ \_\_\_\_\_

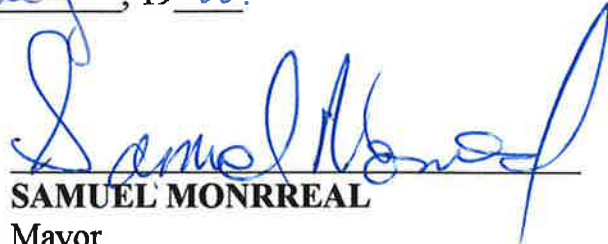
Request forwarded to City Attorney for review and consideration for exception on  
the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_ .m.

\_\_\_\_\_  
Officer of Public Records

IV.

That this Ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinances, and such is evidenced by the below signatures.


SIGNED this 4<sup>th</sup> day of Aug, 19 98.

  
\_\_\_\_\_  
**SAMUEL MONRREAL**  
Mayor

ATTEST:

  
\_\_\_\_\_  
**IRMA RODRIGUEZ**  
Village Clerk

APPROVED:

  
\_\_\_\_\_  
**RICHARD CONTRERAS**  
Village Attorney

First Reading: July 21, 1998  
Second Reading: Aug 4, 1998