

**Resolution Number 2008-07
of the CITY COUNCIL of
THE CITY OF ANSON**

- (1) **WHEREAS**, the Council Members (the "Council") of the **CITY OF ANSON**, (the City) are desirous of establishing some form of policy to govern the voluminous open records requests that come into the City each month and to help the City recoup the enormous costs associated with complying with these Open Records Requests.
- (2) **And WHEREAS** state law allows a City to approve such a Policy consistent with the Texas Government Code § 552.275.

BE IT RESOLVED, that from this date forward all Open Records requests shall be governed by Texas Government Code § 552.275, as it now exists or is hereinafter amended and the City hereby establishes a reasonable limit on the amount of time that personnel of the City 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.

FURTHER RESOLVED that the City hereby sets a time limit of 36 hours for a requestor during the 12-month period that corresponds to the fiscal year of the City. Therefore each time the City complies with a request for public information, the City 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 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 under this subsection. If the City does not provide a written statement on an Open Records Request, the 36 hour time limit shall not apply to that request only but may apply to other requests where a statement was provided.

FURTHER RESOLVED that 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 36 hour limit established by the City, the City 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.

FURTHER RESOLVED that if the City provides a requestor with the written statement set out herein or as stated in under § 552.275 Subsection (e), the City 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 City provided the written statement under this subsection, the requestor submits a statement in writing to the City in which the requestor commits to pay the lesser of:

- (1) the actual costs incurred in complying with the requestor's request, including the cost of materials and personnel time and overhead; or
- (2) the amount stated in the written statement provided under § 552.275 Subsection (e).

If the requestor fails or refuses to submit the written statement, the requestor is considered to have withdrawn the requestor's pending request for public information.

FURTHER RESOLVED that this Policy does not apply if the requestor is a representative of:

- (1) a radio or television station that holds a license issued by the Federal Communications Commission; or
- (2) a newspaper that is qualified under Section 2051.044 to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news.

This Policy does not apply if the requestor is an elected official of the United States, this state, or a political subdivision of this state.

This Policy does not apply if the requestor is a representative of a publicly funded legal services organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.

FURTHER RESOLVED that a vote was taken on December 22, 2008, A.D. by the Council Members of the City and the and that those Council Members and Mayor elected to go forth with the Policy described above and make the Texas Government Code § 552.27, as it now exists or is hereinafter amended, the Policy for all Open Records Requests made to the City.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution regularly presented to and adopted by the Council Members of the **CITY OF ANSON** at a meeting duly called and held at the Conference Room at the Anson City Hall in the **CITY OF ANSON**, Anson, Jones County, Texas, at 7:00 O'clock A.M. on the 22nd day of December A.D. 2008.

Karen Lou Graham
Karen Lou Graham, City Secretary

ACKNOWLEDGMENT

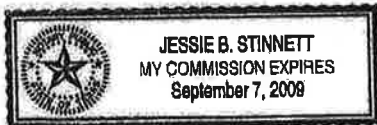
STATE OF TEXAS

§
§

COUNTY OF JONES

§

This instrument was acknowledged before me on December 22nd, 2008, by Karen Lou Graham, Secretary of the City of Anson, a home-rule municipality.



J. B. Stinnett
Notary Public, State of Texas