

Ector County Public Information Request Policies & Procedures

The Texas Public Information Act (TPIA) guarantees public access to information maintained by Texas government agencies. The TPIA ensures that constituents/citizens have the right to request and receive information already in existence, collected, or assembled by the government agency, with some notable exceptions.

Submission Requirements

Public Information Requests (PIRs) must be submitted in writing. To allow Ector County to process a PIR promptly, the requestor must specifically describe the information sought and identify the office and/or department maintaining the requested information. The requestor must also provide: first/last name, their company/organization name, a mailing address, their city/state/zip code, a valid e-mail address, and a working phone number. The required information is necessary so that Ector County may contact the requestor during the fulfillment of their request with questions or clarification requests.

All Public Information Requests must be submitted via the following method. No other methods are approved or accepted.

Online Submission Portal: <https://ectortx.forms.govos.com/f/PublicInformation>

Once the requestor has effectively submitted their Public Information Request via the method listed above, all correspondence will transpire from the Ector County Public Information e-mail address: PIR@ectorcountytexas.gov

If a requestor would like additional Public Information Requests separate from the original request, they must be submitted as a new request and cannot be fulfilled by e-mailing the Ector County Public Information e-mail address directly. A Public Information Request will not be accepted if it is sent directly to the Ector County Public Information e-mail address.

Costs Associated with Public Information Requests

Copy and/or labor charges may apply to a request. The applicable charges for copies of public information are established by statute. The Office of the Attorney General (OAG) has adopted the cost schedule attached hereto as Exhibit A to which Ector County will adhere. It is the policy of Ector County to charge labor costs for any request requiring more than 8 hours of personnel time for processing.

If charges are assessed, the requestor will be notified of that cost, which must be paid prior to receipt of the information. If the estimated charges exceed \$40, the requestor will be provided with a written itemized statement of the estimated charges, which must be accepted before any work is undertaken on the request. In some instances, the requestor may be required to pay a portion of the estimated charges prior to the start of any work.

Response Requirements by Ector County

Ector County is required to promptly respond to every written request that meets the requirements stated above. The amount of time reasonably necessary to release information can vary depending on the case. Pursuant to Section 551.221 of the Government Code, all Public Information Requests must be responded to within 10 business days; this excludes holidays, weekends, and bad weather days, or if the County is closed. If Ector County cannot produce the requested information within 10 business days, Ector County will respond to the requestor with a set date and hour within a reasonable time that the information will be produced.

In specific instances, Ector County may be required to seek a ruling from the Office of the Attorney General (OAG). Pursuant to Sections 552.301 and 552.305 of the Government Code, no later than the 10th business day after receiving a Public Information Request, Ector County must:

- Ask the OAG for a ruling and state the exceptions that apply;
- Notify the requestor in writing that Ector County has asked for a ruling;
- Provide the requestor a copy of the letter from Ector County to the OAG requesting a ruling; and
- Notify any third parties with proprietary interests in their requested information that they may submit written comments to the OAG stating why the information should be withheld (third-party notice must be in the form prescribed by the OAG)
 - o <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/proprietary-information-request>
- Commonly referred to as a “10-day letter”. The OAG must issue a decision no later than the 45th business day after the OAG received the request for a decision.

Response Requirements by the Requestor

Pursuant to Section 552.2615 of the Government Code, if Ector County issues a cost estimate letter and the requestor does not respond within 10 business days after the date that the written notice was sent, the request is considered to be withdrawn by the operation of law.

Pursuant to Section 552.263 of the Government Code, if Ector County requires a deposit or bond for payment, and the requestor fails to make the deposit or post the bond before the 10th business day after the date that the deposit is required, the request is considered to be withdrawn by operation of law.

Pursuant to Section 552.222 of the Government Code, if Ector County sends a written request for clarification or narrowing of a Public Information Request and does not receive a response by the 61st calendar day after Ector County sent the written request, the Public Information Request is considered to have been withdrawn by the requestor.

Personnel Time Limits

Pursuant to Section 552.275 of the Government Code, Ector County can establish a reasonable limit on the amount of time personnel are required to spend producing public information for inspection or copies to a single requestor, without recovering the costs attributable to the personnel time related to that requestor.

Ector County hereby adopts and establishes 36 hours as the reasonable limit on the amount of time personnel are required to spend producing public information for inspection or copies without recovering attributable costs per 12-month period. This 12-month period coincides with the County's fiscal year. Ector County hereby adopts and establishes 15 hours as the reasonable limit on the amount of time personnel are required to spend producing public information for inspection or copies without recovering attributable costs per month time-period. Requestors who exceed the 15- hour and 36-hour time limits in a month or fiscal year (pertaining to time period notated) shall pay all costs attributable to cost of materials, personnel time, and overhead expenses necessary to comply with the request, even if the requestor intends to only inspect the documents, and may be subject to additional costs up to 25% higher than notated by the Exhibit A.

Approved and Adopted by the Ector County Commissioners' Court on this the 29th day of April, 2025



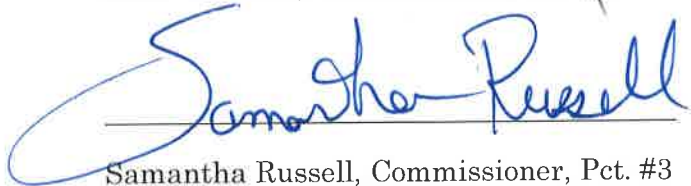
Dustin Fawcett, Ector County Judge



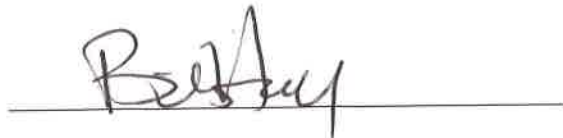
Mike Gardner, Commissioner, Pct. #1

not present

Greg Simmons, Commissioner, Pct. #2



Samantha Russell, Commissioner, Pct. #3



Billy Hall, Commissioner, Pct. #4

Attest:



Jennifer Martin, Ector County Clerk



Exhibit A

Texas Administrative Code

TITLE 1 ADMINISTRATION
PART 3 OFFICE OF THE ATTORNEY GENERAL
CHAPTER 70 COST OF COPIES OF PUBLIC INFORMATION
RULE §70.3 Charges for Providing Copies of Public Information

(a) The charges in this section to recover costs associated with providing copies of public information are based on estimated average costs to governmental bodies across the state. When actual costs are 25% higher than those used in these rules, governmental bodies other than agencies of the state, may request an exemption in accordance with §70.4 of this title (relating to Requesting an Exemption).

(b) Copy charge.

(1) **Standard paper copy.** The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.

(2) **Nonstandard copy.** The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:

(A) Diskette--\$1.00;

(B) Magnetic tape--actual cost

(C) Data cartridge--actual cost;

(D) Tape cartridge--actual cost;

(E) Rewritable CD (CD-RW)--\$1.00;

(F) Non-rewritable CD (CD-R)--\$1.00;

(G) Digital video disc (DVD)--\$3.00;

(H) JAZ drive--actual cost;

(I) Other electronic media--actual cost;

(J) VHS video cassette--\$2.50;

(K) Audio cassette--\$1.00;

(L) Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper--See also §70.9 of this title)--\$.50;

(M) Specialty paper (e.g.: Mylar, blueprint, blue-line, map, photographic--actual cost.

(c) **Labor charge for programming.** If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be

accessed and copied, the governmental body may charge for the programmer's time.

(1) The hourly charge for a programmer is \$28.50 an hour. Only programming services shall be charged at this hourly rate.

(2) Governmental bodies that do not have in-house programming capabilities shall comply with requests in accordance with §552.231 of the Texas Government Code.

(3) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of §552.261(b) of the Texas Government Code.

(d) Labor charge for locating, compiling, manipulating data, and reproducing public information.

(1) The charge for labor costs incurred in processing a request for public information is \$15 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.

(2) A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in:

(A) Two or more separate buildings that are not physically connected with each other; or

(B) A remote storage facility.

(3) A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:

(A) To determine whether the governmental body will raise any exceptions to disclosure of the requested information under the Texas Government Code, Subchapter C, Chapter 552; or

(B) To research or prepare a request for a ruling by the attorney general's office pursuant to §552.301 of the Texas Government Code.

(4) When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

(5) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of Texas Government Code, Chapter 552, §552.261(b).

(6) For purposes of paragraph (2)(A) of this subsection, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.

(e) Overhead charge.

(1) Whenever any labor charge is applicable to a request, a governmental body may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and

administrative overhead. If a governmental body chooses to recover such costs, a charge shall be made in accordance with the methodology described in paragraph (3) of this subsection. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

(2) An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

(3) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request. Example: if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing, $\$15.00 \times .20 = \3.00 ; or Programming labor charge, $\$28.50 \times .20 = \5.70 . If a request requires one hour of labor charge for locating, compiling, and reproducing information ($\$15.00$ per hour); and one hour of programming labor charge ($\$28.50$ per hour), the combined overhead would be: $\$15.00 + \$28.50 = \$43.50 \times .20 = \8.70 .

(f) Microfiche and microfilm charge.

(1) If a governmental body already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the microfiche or microfilm can be released in its entirety, the governmental body should make a copy of the microfiche or microfilm. The charge for a copy shall not exceed the cost of its reproduction. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for governmental bodies. Governmental bodies that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.

(2) If only a master copy of information in microfilm is maintained, the charge is \$.10 per page for standard size paper copies, plus any applicable labor and overhead charge for more than 50 copies.

(g) Remote document retrieval charge.

(1) Due to limited on-site capacity of storage documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by governmental bodies to store current records on-site. State agencies are encouraged to store inactive or non-current records with the Texas State Library and Archives Commission. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.

(2) If a governmental body has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the governmental body, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed according to subsection (d)(1) of this section.

(h) Computer resource charge.

(1) The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not

limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

(2) These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.

(3) The charges in this subsection are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each governmental body using this cost recovery charge shall determine which category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s), and set its charge accordingly. Type of System--Rate: mainframe--\$10 per CPU minute; Midsized--\$1.50 per CPU minute; Client/Server--\$2.20 per clock hour; PC or LAN--\$1.00 per clock hour.

(4) The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is set forth in subsection (d) of this section. No charge should be made for computer print-out time. Example: If a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows: $\$10 / 3 = \3.33 ; or $\$10 / 60 \times 20 = \3.33 .

(5) A governmental body that does not have in-house computer capabilities shall comply with requests in accordance with the §552.231 of the Texas Government Code.

(i) Miscellaneous supplies. The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information.

(j) Postal and shipping charges. Governmental bodies may add any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.

(k) Sales tax. Pursuant to Office of the Comptroller of Public Accounts' rules sales tax shall not be added on charges for public information (34 TAC, Part 1, Chapter 3, Subchapter O, §3.341 and §3.342).

(l) Miscellaneous charges: A governmental body that accepts payment by credit card for copies of public information and that is charged a "transaction fee" by the credit card company may recover that fee.

(m) These charges are subject to periodic reevaluation and update.

Source Note: The provisions of this §70.3 adopted to be effective September 18, 1996, 21 TexReg 8587; amended to be effective February 20, 1997, 22 TexReg 1625; amended to be effective December 3, 1997, 22 TexReg 11651; amended to be effective December 21, 1999, 24 TexReg 11255; amended to be effective January 16, 2003, 28 TexReg 439; amended to be effective February 11, 2004, 29 TexReg 1189; transferred effective September 1, 2005, as published in the Texas Register September 29, 2006, 31 TexReg 8251; amended to be effective February 22, 2007, 32 TexReg 614.