



CITY OF MORGAN'S POINT RESORT

Open Records Request Form

8 Morgan's Point Blvd.
Morgan's Point Resort, Texas 76513
254.742-3206

Name: _____ E-mail address: _____

Address (city, state, zip): _____

Telephone No. () _____

Fax No. () _____

TO: Custodian of Records – City Secretary/City of Morgan's Point Resort.

Date Requested: _____

Approved by: _____ Date: _____

Pursuant to Government Code, Section 551.001, I am requesting public records, specifically: **(Please be specific).**

_____ **MADE AVAILABLE TO ME FOR EXAMINATION ONLY. I** understand that if the documents are not readily available, the custodian may schedule a date and hour within a reasonable time for my examination of the documents, **I** understand that **I** must complete my examination within ten days of the date the records are made available to me.

Date Reviewed: _____

_____ **PHOTOCOPIED** for my use where the information sought is in the form of paper (see reverse side for charges).

Date Completed: _____

_____ **DUPLICATED** for my use where the information sought is in the form of audiotapes, videotapes, computer tapes, or other similar recording systems (see reverse for charges).

Date Completed: _____

_____ **MAILED** to me at the address indicated above (see reverse for charges).

Date Mailed: _____

_____ **FAXED** to me at the number indicated above (see reverse for charges).

Date Faxed: _____

_____ **PICKED UP** by me or my representative at the City of Morgan's Point Resort, 8 Morgan's Point Blvd., Morgan's Point Resort, TX 76513.

Date Picked Up: _____

I agree to pay the costs of photocopying, duplication, the labor costs involved in retrieving information that is not readily available, and the cost of mailing or faxing. In the event the estimated labor costs exceed \$6.00, I agree to pay the estimated labor costs prior to retrieval of the information.

I understand that the City of Morgan's Point Resort may withhold information which is not considered public information under the Texas Open Records Act. I also understand that the City of Morgan's Point Resort is required to release only those documents that exist, in their current state, and that the City is not required to compile or create specific information or formats for my use.

_____ Requestor Signature Required

_____ Requestor Signature at Pick-up

Date: _____

To be completed by the City of Morgan's Point Resort official only:

<u>Charges Per Item</u>	<u>Number</u>	
Standard paper copy	___ @ \$.10/per side of page	\$ _____
Oversized paper copy (i.e. legal size)	___ @ \$.50/per side of page	\$ _____

Non-standard size copy:

Diskette	___ @ \$1.00/each	\$ _____
CD/Other Digital means	___ @ \$7.00/each	\$ _____

Fax Charges:

Local call	___ @ \$.10/page	\$ _____
Long Distance call	___ @ \$1.00/page	\$ _____

Personnel Charges:

	@\$15.00/hour	\$ _____
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(Applied only when the request is 51 or more pages long or when acquisition requires retrieval from different location).

Postage/Shipping Charges:	Actual Cost	\$ _____
Other Costs (explain): _____		\$ _____

TOTAL DUE: \$ _____

Among other obligations, the City of Morgan's Point Resort is required to:

- inform requestor if the information cannot be provided promptly and set a date and time to provide it within a reasonable time;
- Request a ruling from the office of the Attorney General regarding any information the governmental body wishes to withhold, and send a copy of the request for ruling, or a redacted copy, to the requestor;
- Make a good faith attempt to inform third parties when their proprietary information is being requested from the governmental body;

The Requestor may:

1. Keep all appointments to inspect records and to pick up copies. Failure to keep appointments may result in losing the opportunity to inspect the information at the time requested;
2. Cost of Records-
 - A. You must respond to any written estimate of charges within 10 days of the date the governmental body sent it or the request is considered to be automatically withdrawn;
 - B. If estimated costs exceed \$100.00 (or \$50.00 if a governmental body has fewer than 16 full time employees) the governmental body may require a bond, prepayment, or deposit;
 - C. You may ask the governmental body to determine whether providing the information primarily benefits the general public, resulting in a waiver or reduction of charges;
 - D. Make timely payment for all mutually agreed charges. A governmental body can demand payment of overdue balances exceeding \$ 100.00, or obtain a security deposit, before processing additional requests from you.

If you would like more information on the Public Information Act, you can go on-line to www.oag.state.tx.us.

This fully executed copy is your receipt.

The Public Information Act

Texas Government Code Chapter 552, gives you the right to access government records; and an officer for public information and the officer's agent may not ask why you want them. All government information is presumed to be available to the public. Certain exceptions may apply to the disclosure of the information. Governmental bodies shall promptly release requested information that is not confidential by law, either constitutional, statutory, or by judicial decision, or information for which an exception to disclosure has not been sought.

Rights of Requestors

You have the right to:

- Prompt access to information that is not confidential or otherwise protected;
- Receive treatment equal to all other requestors, including accommodation in accordance with the Americans with Disabilities Act (ADA) requirements;
- Receive certain kinds of information without exceptions, like the voting record of public officials, and other information;
- Receive a written statement of estimated charges, when charges will exceed \$40, in advance of work being started and opportunity to modify the request in response to the itemized statement;
- Choose whether to inspect the requested information (most often at no charge), receive copies of the information or both;
- A waiver or reduction of charges if the governmental body determines that access to the information primarily benefits the general public;
- Receive a copy of the communication from the governmental body asking the Office of the Attorney General for a ruling on whether the information can be withheld under one of the accepted exceptions, or if the communication discloses the requested information, a redacted copy;
- Lodge a written complaint about overcharges for public information with the Office of the Attorney General. Complaints of other possible violations may be filed with the county or district attorney of the county where the governmental body, other than a state agency, is located. If the complaint is against the county or district attorney, the complaint must be filed with the Office of the Attorney General.

Responsibilities of Governmental Bodies

All governmental bodies responding to information requests have the responsibility to:

- Establish reasonable procedures for inspecting or copying public information and inform requestors of these procedures;
- Treat all requestors uniformly and shall give to the requestor all reasonable comfort and facility, including accommodation in accordance with ADA requirements;
- Be informed about open records laws and educate employees on the requirements of those laws;
- Inform requestors of the estimated charges greater than \$40 and any changes in the estimates above 20 percent of the original estimate, and confirm that the requestor accepts the charges, has amended the request, or has sent a complaint of overcharges to the OAG, in writing before finalizing the request;
- Inform the requestor if the information cannot be provided promptly and set a date and time to provide it within a reasonable time;
- Request a ruling from the Office of the Attorney General regarding any information the governmental body wishes to withhold, and send a copy of the request for ruling, or a redacted copy, to the requestor;
- Segregate public information from information that may be withheld and provide that public information promptly;
- Make a good faith attempt to inform third parties when their proprietary information is being requested from the governmental body;
- Respond in writing to all written communications from the Office of the Attorney General regarding charges for the information. Respond to the Office of the Attorney General regarding complaints about violations of the Act.

Procedures to Obtain Information

1. Submit a request by mail, fax, email or in person according to a governmental body's reasonable procedures.
2. Include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested.
3. Cooperate with the governmental body's reasonable efforts to clarify the type or amount of information requested.

A. Information to be released

- You may review it promptly, and if it cannot be produced within 10 working days the public information officer will notify you in writing of the reasonable date and time when it will be available.
- Keep all appointments to inspect records and to pick up copies. Failure to keep appointments may result in losing the opportunity to inspect the information at the time requested.

B. Cost of Records

- You must respond to any written estimate of charges within 10 business days of the date the governmental body sent it or the request is considered automatically withdrawn.
- **If** estimated costs exceed \$100.00 (or \$50.00 if a governmental body has fewer than 16 full time employees) the governmental body may require a bond, prepayment or deposit.
- You may ask the governmental body to determine whether providing the information primarily benefits the general public, resulting in a waiver or reduction of charges.
- Make a timely payment for all mutually agreed charges. A governmental body can demand payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from you.

C. Information that may be withheld due to an exception

- By the 10th business day after a governmental body receives your written request, a governmental body must:
 1. request an Attorney General opinion and state which exceptions apply;
 2. notify the requestor of the referral to the Attorney General; and
 3. notify third parties if the request involves their proprietary information.
- Failure to request an Attorney General opinion and notify the requestor within 10 business days will result in a presumption that the information is open unless there is a compelling reason to withhold it.
- Requestors may send a letter to the Attorney General arguing for release, and may review arguments made by the governmental body. **If** the arguments disclose the requested information, the requestor may obtain a redacted copy.
- The Attorney General must issue a decision no later than the 45th working day from the day after the attorney general received the request for a decision. The attorney general may request an additional 10 working day extension.
- Governmental bodies may not ask the Attorney General to "reconsider" an opinion.

To request information from this governmental body:

- Please contact: Ophelia Rodriguez, City Secretary, City of Morgan's Point Resort
- You may send your request by mail to: 8 Morgan' Blvd, Morgan's Point Resort, TX 76513
- By e-mail to: Ophelia.Rodriguez@mptx.us
- By fax to: 254.780.9287
- In person at: Morgan's Point City Hall, 8 Morgan's Point Blvd., Morgan's Point Resort, TX 76513

For complaints regarding failure to release public information please contact your local County or District Attorney. Please ask and you will be provided with this information.

- You may also contact the Office of the Attorney General, Open Government Hotline, at 512-478-6736 or toll-free at 1-877-673-6839.
- For complaints regarding overcharges, please contact the Office of the Attorney General Cost Rules Administrator at 512-475-2497.

If you need special accommodation pursuant to the Americans With Disabilities Act (ADA), please contact our ADA coordinator, Ophelia Rodriguez at 254.742.3206.