

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Mayor and Council – City Rep. Acosta, District 3

AGENDA DATE: October 6, 2015

CONTACT PERSON NAME AND PHONE NUMBER: City Rep. Emma Acosta, District 3 @ 915.212.0003

DISTRICT(S) AFFECTED: Applies to all Districts

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

City Representative Emma Acosta, District 3, authorizes the placement of the following item on the Regular Agenda for Tuesday, October 6, 2015 City Council Meeting:

Discussion and action to initiate a policy/ordinance that any Open Records Request (ORR) by a City Representative, all such request(s) must be paid for and that the use of staff time spent in hours and salary costs on the ORR be disclosed at a regular city council meeting and placed on the regular agenda. To request that the 1994 City of El Paso Open Records Resolution be updated in accordance with the Administrative Code, Title 1, Chapter 70 and Government Code, Chapter 552.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

- Revise the existing attached City of El Paso Resolution adopted in 1994 in accordance with the Administrative Code, Title 1, Chapter 70
- Adopt a fee schedule to include additional fees and labor charges in accordance to Texas Administrative Code, Title 1, Chapter 70 and Government Code, Chapter 552
- Benefit and Value: Goal 5: Promote Transparent and Consistent Communication Among all Members of the Community
5.3 Promote a well-balanced customer service philosophy throughout the organization
& Goal 6: Set the Standard for Sound Governance and Fiscal Management
6.8 Support transparent and inclusive government.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes. Please see attached City of El Paso Resolution passed in 1994.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer? n/a

*****REQUIRED AUTHORIZATION*****

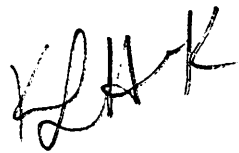
DEPARTMENT HEAD:

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)



OFFICE OF THE CITY ATTORNEY

MEMORANDUM
CONFIDENTIAL ATTORNEY-CLIENT AND/OR
ATTORNEY WORK PRODUCT COMMUNICATION
NOT INTENDED FOR PUBLIC DISSEMINATION

TO: Mayor and City Council
FROM: Kristen L. Hamilton-Karam 
SUBJECT: Open Records Requests and Charges
DATE: October 1, 2015

The Office of the City Attorney is writing regarding City Council agenda item 19.1 on the October 6, 2015 agenda and providing additional background information.

Currently enforced authorizations for fees:

In 1994, the City Council approved a resolution regarding the charges for production of responses to requests for information under the Texas Public Information Act (the "Act") (attached hereto as Exhibit "A"). In 1999, the City Council enacted an ordinance establishing, with more specificity, fees for processing and responding to such requests (attached hereto as Exhibit "B"). Furthermore, the City's annual budget resolution contains the fees that the City charges for such requests, which overrides the 1994 resolution (attached hereto as Exhibit "C").

The Texas Public Information Act sets the standards by which Cities may charge for access to Public Information through Open Records, and the Texas Administrative Code Section 70 provides the specific cost rules for the charges. The City's current charges are in compliance with the charges allowed by State Law.

Currently, if any City Council Representative submits a request for information under the Act, our office applies the same rules governing the charges as with any member of the public. Should council choose to require a specific fee to be paid by its members, such policy decision will be complied with by our office.

We are happy to provide any additional information.

R E S O L U T I O N

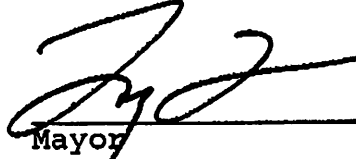
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That unless specific charges for records are set separately by applicable statutes, the charges to be made by the City of El Paso for non-certified copies of public records of the City shall be in conformity with all regulations in 1 TAC §§111.61 to 111.63 adopted by the Texas General Services Commission, a copy of which is attached hereto, marked Exhibit "A," and made a part hereof.

2. That additional postage, labor and other charges as authorized and approved by the Texas General Services Commission shall also be made by the City when applicable.

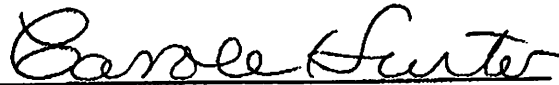
3. That the Chief Administrative Officer of the City is authorized to waive charges for public records in accordance with the Texas Open Records Act or when the cost of collecting a charge will exceed the amount of the charge when the charge would have been less than \$1.00.

ADOPTED this 11th day of October, 1994.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

R E S O L U T I O N

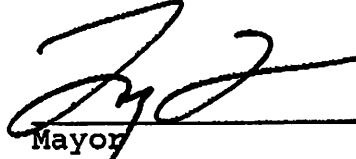
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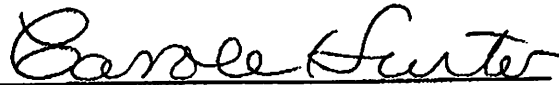
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ATTEST:



City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

1 TAC § 111.19

- (B) Hispanic Americans;
- (C) women;
- (D) Asian Pacific Americans; and
- (E) Native Americans.

(g) On April 15 of each year, the commission shall submit the consolidated report regarding the previous six-month period to the joint committee, referenced in House Bill 2626, §3, charged with monitoring the implementation of the historically underutilized business goals. The commission shall submit a consolidated report on October 15 of each year regarding the preceding fiscal year to the presiding officer of each house of the legislature, the members of the legislature, and the joint committee.

Source: The provisions of this §111.19 adopted to be effective October 19, 1993, 18 TexReg 6331.

COST OF COPIES OF OPEN RECORDS

§ 111.61. General

Pursuant to Texas Civil Statutes, Article 6252-17a, §9(a) and (b), the commission must periodically determine the actual cost of standard size (up to 8 ½ inches by 14 inches) reproductions and publish these cost figures for use by governmental bodies in determining charges for supplying copies of public information. The commission will consult with custodians of public records concerning non-standard sized pages or records in computer banks, on microfilm, or other similar recordkeeping systems, in setting those charges, attempting to match the charges with the actual cost of providing the records.

Source: The provisions of this §111.61 adopted to be effective December 12, 1937, 12 TexReg 4523.

§ 111.62. Standard Sized Pages

(a) The charges reflected in this subsection are guidelines to be applied as the individual situation dictates. The determination of whether information is or is not readily available is left to each governmental entity. The charge for office machine copies of pages up to and including legal size (8 ½ inches by 14 inches) are as follows:

- (1) for 50 pages or less of readily available information, the guideline charge shall be \$.10 per page; or
- (2) for more than 50 pages of readily available information, the guideline charge shall be \$.85 for the first page and \$.15 for each additional page;

GENERAL SERVICES COMMISSION

(3) for any quantity of information deemed to be not readily available, the actual charge shall be the combined components of \$.70 for the first page and \$.15 for each page thereafter, plus actual labor costs incurred by the agency in providing the requested information. The agency's actual labor costs of providing information may include costs of locating and preparing the information and may be computed by multiplying the amount of time actually spent in these activities times the salary rate of the employee performing these activities. For economy and efficiency purposes, an average salary rate composed of all the individuals within an organization who perform these tasks may be computed to be used as a standard rate to be applied in all cases.

(b) An agency should not charge for personnel time in making records available for public inspection under Texas Civil Statutes, Article 6252-17a.

(c) In establishing charges, agencies may add any postal related expenses which may be necessary to transmit the reproduced documents to the requesting party to the charges established pursuant to this subsection.

Source: The provisions of this §111.62 adopted to be effective December 12, 1937, 12 TexReg 4523.

§ 111.63. Nonstandard Sized Pages of Records in Computer Banks, on Microfilm, or in Other Similar Recordkeeping Systems

It is not the responsibility of the commission to predetermine charges for providing records under Texas Civil Statutes, Article 6252-17a, §9(b), but, instead, to serve as a consultant with the governmental body's custodian of the records to set the charge. The custodian of the records should, in such instances, initiate the consultation and supply the commission with adequate cost data relative to the request to support the proposed charge. This consultation request should be made in writing and be submitted to the attention of the Materiel Management Section of the Centralized Services Division of State Purchasing and General Services Commission. Adequate cost data for this consultation consists of the specific cost components of an individual charge including, but not limited to, labor hours and rates, computer time and rates, costs for materials such as computer tapes, paper, fiche, cassettes, and printer supplies, and applied overhead by component and application base.

1 TAC § 111.19

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GENERAL SERVICES COMMISSION

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AN ORDINANCE AMENDING ORDINANCE 12917,
TO REVISE THE PROCEDURES AND CHARGES
FOR PUBLIC RECORDS AND INFORMATION
PROVIDED BY THE CITY OF EL PASO

WHEREAS, various amendments have been made to the Texas Public Information Act and the regulations of the Texas General Services Commission concerning the charges for costs of copies and access to public information; and

WHEREAS, revisions are now needed to Ordinance 12917 to revise the City's procedures and charges relating to records and information provided by the City; and

WHEREAS, the Council finds that the charges authorized in this Ordinance are reasonable; and

WHEREAS, the Council finds that the appropriate application of the interest in obtaining waivers of charges, in conjunction with Section 552.267 of the Public Information Act, is to provide for the waivers and reductions of fees only as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF EL PASO:

Section 1. Unless specific charges for records are set separately by applicable statutes, ordinance or resolution, the charges to be made by the City of El Paso for costs of copies or access to public information, in conformity with the provisions of the Texas Public Information Act and the related regulations adopted by the Texas General Services Commission, are as follows, provided however, that in the event of any conflict between this ordinance and the charges or procedures established in Texas General Services Commission regulations, the charges and procedures established in Texas General Services Commission regulations shall prevail:

TABLE A

- A. Access to information/viewing records (when permissible):
- (1) Paper records: no charge unless (a) the information requested is older than 5 years; (b) the information completely fills or when assembled will completely fill 6 or more archival boxes; (c) it is estimated that more than 5 hours will be required to make the public information available for

inspection; or (d) a requested page from a paper record contains confidential information that must be edited from the record before the information can be made available. When a request for access falls within (a), (b) or (c), personnel charges may be made. When a request for access falls under (d), charges may be made only for the cost of the copy of the edited page or pages.

- (2) Electronic records: no charge unless the inspection of an electronic record requires that the city program or manipulate data or the record contains confidential information that must be edited from the record before the information can be made available. In such cases, charges may be made for printing a copy of an edited page or pages, if necessary, and the personnel charge, overhead charge, computer resource charge, and programming charge, as applicable. The department head responsible for maintaining the records or his or her designee shall provide an estimate of the charges to the requestor before the information is assembled.
-

TABLE B

- B. Paper records--standard size (measuring up to 8 ½ x 14") (50 or fewer pages requested):

\$.10 per page, per side
+ postage and shipping (if applicable)
or by fax:
fax charge

TABLE C

- C. Paper records--standard size (more than 50 pages requested); or
Paper records--standard size--stored in more than one building or in a remote storage facility (any quantity):

\$.10 per page, per side
+ personnel charge
+ overhead charge
+ actual cost of miscellaneous supplies (if applicable)
+ postage and shipping (if applicable)
or by fax:
fax charge
+ personnel charge
+ overhead charge

TABLE D

D. Paper records--non-standard size:

- (1) Non-standard size paper copies produced on a nonstandard copy machine or other type of reproduction machine (the below-listed charges include a calculation of the minimum personnel and overhead charges necessary to product the copies):

(a)	blue prints:	
	18" x 24"	\$1.60
	24" x 36"	1.80
	30" x 42"	2.00
	42" x 4'	2.00
	42" x 5'	2.20
	42" x 6'	2.40
	42" x 7'	2.60
	42" x 8'	2.80
	+ postage, shipping, and actual cost of miscellaneous supplies used for shipping, if applicable.	

(b)	large bond copies:	
	12" x 18"	\$1.10
	18" x 24"	1.10
	24" x 36"	1.70
	42" x 30"	1.70
	+ postage, shipping, and actual cost of miscellaneous supplies used for shipping, if applicable.	

(c)	vellum copies	
	24" x 36"	\$2.45
	+ postage, shipping, and actual cost of miscellaneous supplies used for shipping, if applicable.	

- (2) Other non-standard size copies:
 \$.50 per page, per side
 + personnel charge
 + overhead charge
 + actual cost of miscellaneous supplies
 (if applicable)
 + postage and shipping (if applicable)

TABLE E

E. Photographs (printed by the Police Department):

	First print	Each additional print
4" x 5" color print	\$ 2.15	\$0.95
5" x 7" color print	2.20	1.00
8" x 10" color print	2.40	1.20
Polaroid color print	2.75	1.55
4" x 5" black & white print	3.00	1.80
5" x 7" black & white print	3.25	2.05
8" x 10" black & white print	3.50	2.30
4" x 5" black & white mug	3.20	2.00
Polaroid black & white print	2.35	1.15
+ postage, shipping, and actual cost of miscellaneous supplies used for shipping, if applicable.		

If photographs are commercially printed, actual cost to the City for the prints.

TABLE F

F. Computer and electronic document imaging printouts:

(1) Standard documents:

\$.10 per page for standard size copy
 or \$.50 per page for non-standard size copy (other than a Plotter media print)
 + personnel charge (as applicable)
 + overhead charge (as applicable)
 + computer resource charge
 + computer programming charge (if applicable)
 + miscellaneous supplies charge (if applicable)
 + postage and shipping charges (if applicable)
 or by fax:
 \$.10 per page (standard size copy only)
 + fax charge
 + personnel charge (as applicable)
 + overhead charge (as applicable)
 + computer resource charge
 + computer programming charge (if applicable)

- (2) Plotter media prints:
 - (a) 8 1/2"x 11" print: \$.24
 - (b) 11"x 17" print: \$.24
 - (c) 18"x 24" print: \$.48
 - (d) 24" x 36" print: \$.72
 - (e) 36" x 42" print: \$.96
- + personnel charge at \$.25 per minute (exact time)
- + overhead charge at \$.05 per minute (exact time)
- + computer resource charge at \$.04 per minute (exact time)
- + miscellaneous supplies charge (if applicable)
- + postage and shipping charges (if applicable)

TABLE G

G. Non-standard copy including microfiche, microfilm, and other non-paper media storage requests (not included in Table F):

(1) Paper copies from microfiche, microfilm and other non-paper media storage:

- \$.10 per page for standard size copy
- or \$.50 per page for non-standard size copy
- + personnel charge
- + overhead charge
- + computer resource charge (if applicable)
- + computer programming charge (if applicable)
- + miscellaneous supplies charge (if applicable)
- + postage and shipping or fax charges (if applicable)

(2) Information provided on non-paper media:

Media charge:

- (a) diskette: \$1.00 each
- (b) computer magnetic tape:
 - 4 mm: \$13.50 each
 - 8 mm: \$12.00 each
 - 9-track: \$11.00 each
- (c) data cartridge:
 - 2000 series: \$17.50 each
 - 3000 series: \$20.00 each
 - 6000 series: \$25.00 each
 - 9000 series: \$35.00 each
 - 600A: \$20.00 each

- (d) tape cartridge:
 - 250 MB: \$38.00 each
 - 525 MB: \$45.00 each
- (e) VHS video cassette: \$2.50 each
- (f) audio cassette: \$1.00 each
- (g) Mylar (36", 42" and 48")
 - 3 mil.: \$.85/linear foot
 - 4 mil.: \$1.10/linear foot
 - 5 mil.: \$1.35/linear foot
- (h) any other medium: cost to the City for the medium

+ personnel charge
 + overhead charge
 + computer resource charge (if applicable)
 + computer programming charge (if applicable)
 + miscellaneous supplies charge (if applicable)
 + postage and shipping charges (if applicable)

- (3) Reproduction of microfiche, microfilm, or other media not listed above or when the City does not have the capability to reproduce the medium: actual cost to the City for the reproduction plus any other applicable charges such as personnel charge, overhead charge, postage and shipping charges, and miscellaneous supplies charge.

TABLE H

H. Special publications of the City and Geographical Information Systems Data.

(1) Planning Department demo pack	\$ 16.40
(2) Zoning Map Series	156.00
(3) 2025 Plan for El Paso Map Atlas	50.00
(4) 2025 Plan for El Paso Map (single 11 x 17)	5.00
(5) 2025 Plan for El Paso Map (single 24 x 36)	9.25
(6) GIS Information	
(a) Maps—size of longest side:	
up to 12"	\$1.00
up to 24"	4.50
up to 36"	9.25
over 36"	13.50
(b) Digital data	\$30.00 plus cost of disk
(7) Street Code Book	\$29.30

Section 2. The following definitions and charges shall apply herein:

Definitions:

- A. Standard size: a photocopy on one side of a piece of paper produced on a standard copy machine not to exceed 8 1/2 by 14 inches in size or a computer printout on a paper not to exceed 8 1/2 by 14 inches in size. A piece of paper that is printed on both sides is counted as two copies.
- B. Nonstandard size: a photocopy on one side of a paper exceeding 8 1/2 by 14 inches in size that can be produced on a standard copy machine, or a computer printout on a paper exceeding 8 1/2 by 14 inches in size. A piece of paper that is printed on both sides is counted as two copies.

Charges:

- C. Computer programming charge: \$26.00 per hour for work done by City employees. This charge does not include the personnel time of the computer operator in connection with the execution of an existing computer program. In the event that the programming must be done by non-City employees, the charge will be the actual cost for the City.
- D. Computer resource charge: the time for executing programs to locate requested information by City employees. It does not include programming, printing time, or charges incurred when the work must be done by non-City employees. If the computer work must be done by non-City employees, the charge will be the actual cost for the City. The definitions for the various computer systems set forth in the Texas General Services Commission regulations shall apply to the determination of the type of computer system in use.

The rates for executing programs by City employees are as follows:

<u>Type of system</u>	<u>Rate</u>
Mainframe	\$10.00 per minute; \$.17 per second
Midrange	\$ 1.50 per minute; \$.03 per second
Client/Server	\$ 2.20 per hour; \$.04 per minute
PC or LAN	\$ 1.00 per hour; \$.02 per minute

- E. Fax charge:
 - Local transmission: \$.10 per page
 - Long distance within 915 area code: \$.50 per page
 - Long distance outside 915 area code: \$1.00 per page

- F. Miscellaneous supplies charge: the actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce or package the requested information.
- G. Overhead charge: \$3.00 per hour; \$.05 per minute. The overhead charge includes the cost of depreciation. No other charges for the cost of depreciation may be made.
- H. Personnel charge: \$15.00 per hour; \$.25 per minute. Where applicable, the cost should be prorated to recover the cost for personnel time spent to take requests, locate documents and reproduce requested information, and the actual time spent deleting or separating confidential information which is excepted from disclosure under Section 552.101, Govt Code.

Time spent locating documents shall include either the time spent to locate a file or storage box or the time spent searching through a file or storage box for a particular document, but shall NOT include both. Personnel time does NOT include time spent reviewing documents to determine whether the City will raise any exceptions to disclosure of the document.

- I. Postal and shipping charges: the actual costs to the City.

Section 3. Sales tax shall not be charged for the provision of public information by the City.

Section 4. When specific charges for records are set separately by applicable statutes, ordinances or resolutions, the charges to be made for those records shall be as set or authorized in the applicable statute, ordinance or resolution. The charges set forth herein exclude the cost of City produced publications. Such charges shall be set forth separately by ordinance or resolution of the City Council.

Section 5. When information must be commercially reproduced due to the non-availability of City equipment to reproduce the information, the charge shall be the City's cost for the reproduction, plus any other applicable charges as set forth in the applicable table under Section 1 of this Ordinance.

Section 6. The Chief Administrative Officer of the City (CAO), or the Mayor or the Mayor's designee in the CAO's absence, shall be the officer for public information for the City. The department heads, and their designees, are authorized to act as the agent for the officer for public information for the purpose of responding to requests for information in

accordance with the provisions of the Texas Public Information Act and this Ordinance, except as provided in Sections 11 and 12 of this Ordinance.

Section 7. For purposes of this Ordinance, requests for public information shall not include requests for publications of the City, records from the Municipal Court Clerk, and official requests from law enforcement and criminal justice agencies and officials for the inter-agency transfer of law enforcement records needed in the performance of official duties. Nothing in this Ordinance shall be interpreted to require the City to release information which is or may be exempted from disclosure under the Texas Public Information Act or other law which regulates or controls the release of particular information.

Section 8. When a particular request will involve considerable time and resources to process, when it is estimated that the cost of producing a request will exceed \$40.00, or when the request will require computer programming or the manipulation of data, the requestor must be advised of what may be involved in the processing of the request and be provided with an estimated date of completion and the charges that may result.

If it is estimated that a request for inspection or copies of public information will result in a charge of more than \$40.00, it shall be the responsibility of the department head responsible for maintaining the records, or his or her designee, to provide the requestor with a written itemized statement of the charges as required by Section 552.2615 of the Public Information Act. At the time the request is made, the department head or his or her designee shall advise the requestor that he or she must provide the City with a mailing, facsimile transmission or electronic mail address to receive the itemized statement.

The statement shall include: (1) detailed estimated charges including personnel charges; and (2) information advising the requestor of a less costly method of viewing the records, if one exists. The statement must advise the requestor that the request will be considered automatically withdrawn if the requestor does not respond in writing and inform the City within 10 days after the date the statement is sent that the requestor will accept the estimated charges or the requestor modifies his or her request.

If the department head or his or her designee determines after the itemized statement is sent, but before the records are made available, that the estimated charges will exceed the charges set forth in the statement by 20% or more, the department head or his or her designee shall send a revised written statement to the requestor and advise the requestor that he or she has an additional 10 days to respond in writing to the revised statement.

If the actual costs of producing the records exceeds \$40.00, charges may only be made for the actual costs not to exceed the amount estimated in a revised statement, or if no revised statement was sent, an amount not to exceed the estimated cost in the statement plus

20%. If no itemized statement was sent, the maximum charge for the records cannot exceed \$40.00 irrespective of the actual cost of producing the records.

If it is estimated that the cost will exceed \$100.00, the department head responsible for maintaining the records, or his or her designee, will also notify the requestor in the written itemized statement that the requestor must deposit the amount of the estimated cost with the City before the requested information will be produced or copied. Deposits required under this section may be paid to the City through the City Cashier or in the case of Police Department records, at the public records counters established by the Police Department.

The time deadlines referenced in this section do not affect the application of the time deadlines imposed by the Public Information Act for responding to requests and seeking opinions from the Texas Attorney General.

If the request will require computer programming or the manipulation of data, it shall be the responsibility of the department head responsible for maintaining the records or his or her designee, with the assistance of designees of the City Attorney, as requested, to provide the requestor with the written statement required by Section 552.231 of the Public Information Act in addition to any itemized statement that may be required if the cost is estimated to exceed \$40.00, and to provide a copy of such statement to the City Clerk for filing of record.

Once the processing is complete, the City will refund any portion of a deposit that exceeds the actual cost of providing the information or copies as determined under the appropriate Table in Section 1 of this Ordinance. In the event that the actual cost exceeds the estimate and deposit, the requestor shall pay the balance of the amount due before the information is delivered to him or her.

If a requestor has previous unpaid amounts that exceed \$100.00 in relation to previous requests for records made by the requestor, the department head responsible for maintaining the records or his or her designee shall require that a deposit be made by the requestor in that amount before preparing a copy of public information in response to a new request. The department head or his or her designee shall fully document the existence and amount of those unpaid amounts and shall provide a copy of that document to the requestor.

Section 9. When a particular request is repetitious or redundant within the meaning of Section 552.232 of the Public Information Act, it shall be the responsibility of the department head responsible for maintaining the records, with the assistance of designees of the City Attorney, as requested, to issue any certification required under that section.

Section 10. The officer for public information shall designate the location or locations within City facilities for the placement of the informational signs required by Section 552.205 of the Public Information Act beginning on January 3, 2000. After such designations have been made, it shall be the responsibility of each affected department head

to ensure that such signs are displayed in the manner required by statute and that worn or damaged signs are replaced immediately.

Section 11. The officer for public information, the City Clerk, and the City Attorney and his designees are authorized to waive charges for public records in accordance with the Texas Public Information Act when the costs to the City of collecting a charge will exceed the amount of the charge.

Section 12. The officer for public information or the City Clerk is authorized to waive or reduce charges, for the purposes established by and in accordance with Section 552.267 of the Public Information Act, as follows:

A. The cost for thirty pages or less of standard size copies of paper records or computer or electronic document imaging printouts, for fifteen pages or less of non-standard size computer or electronic document imaging printouts, or copies of Texas State Peace Officer Accident Reports, plus postage or any local fax charge, shall be waived for the following requests:

- (1) official requests from the United States of America, a state, or a political subdivision of a state; or
- (2) any request for copies of agendas of open meetings made prior to or on the date of the meeting.

B. The cost for ten pages or less of standard size copies of paper records or computer or electronic document imaging printouts or for five pages or less of non-standard size computer or electronic document imaging printouts, plus postage or any local fax charge, shall be waived for requests for information concerning (i) City ordinances; (ii) information about the City's budget; or (iii) agendas of past open meetings and minutes of open meetings; for the following requests:

- (1) official requests from newspapers, magazines or broadcast media provided that the request is submitted on the official letterhead of the newspaper, magazine or broadcast medium or through an authorized use of the medium's e-mail address; or
 - (2) official requests from organizations granted 501(c)(3) status by the Internal Revenue Service, provided that the request is accompanied by proof of the granting of 501(c)(3) status to the organization and the information is requested for the purpose of dissemination to the general public.
-

B. The following definitions shall apply herein:

- (1) Newspaper shall mean a publication regularly printed and distributed, daily or weekly, containing news, opinions, advertisements and other items of general interest.
- (2) Magazine shall mean a publication, usually with a paper back and sometimes illustrated, that appears at regular intervals and contains stories, articles, etc., by various writers and, usually, advertisements.
- (3) Broadcast media shall mean legally licensed radio and television stations and other news-reporting services that post news stories on a web page accessible through the Internet.

Section 13. The charges listed herein shall also be assessed, as appropriate and as permitted by the law, when the City must make copies or provide access to its records in response to subpoenas duces tecum or other legal process which seeks the records of the City when the City is not a party to the litigation.

The City shall assess charges for notary public services performed by its employees, as permitted by Section 406.024(a), Texas Govt Code, unless the services are needed by a City employee or contractor in the course of City business or when the City requires that a document being submitted to the City be notarized.

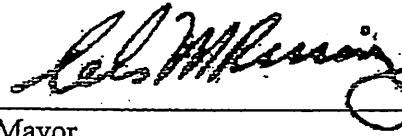
Some of the applicable notary fees in subsections (6), (7), (8), (10), and (11) of Section 406.024(a), Govt Code, are as follows:

- (6) for administering an oath or affirmation with certificate and seal, a fee of \$6;
- (7) for a certificate under seal not otherwise provided for, a fee of \$6;
- (8) for a copy of a record or paper in the notary public's office, a fee of 50 cents for each page;
- (10) for swearing a witness to a deposition, certificate, seal, and other business connected with taking the deposition, a fee of \$6;
- (11) for a notarial act not provided for, a fee of \$6.

Section 14. The amendments to ordinance 12917 as set forth herein shall take effect on September 1, 1999.

PASSED AND APPROVED this 31st day of August, 1999.

THE CITY OF EL PASO



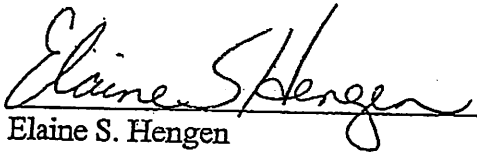
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Assistant City Attorney

**2016 SCHEDULE C
DEPARTMENTAL FEE LIST**

EXHIBIT

C

Line No.	Department	Account	Fee Description	Detail 2016 Adopted	FY2016 Adopted Fees
1	All Departments	450630	Public Information Act	Paper Records-Standard size(50 or fewer pgs) +postage and shipping or fax charge	\$0.10
2	All Departments	450630	Public Information Act	Paper Records-Standard size(50+ pgs) + personnel charge, overhead charge, actual misc. supplies, postage and shipping or fax charge	\$0.10
3	All Departments	450630	Public Information Act	Paper Records-non standard size	
4	All Departments	450630	Public Information Act	Blue prints	
5	All Departments	450630	Public Information Act	18" x 24"	\$1.60
6	All Departments	450630	Public Information Act	24" x 36"	\$1.80
7	All Departments	450630	Public Information Act	30" x 42"	\$2.00
8	All Departments	450630	Public Information Act	42" x 4"	\$2.00
9	All Departments	450630	Public Information Act	42" x 5"	\$2.20
10	All Departments	450630	Public Information Act	42" x 6"	\$2.40
11	All Departments	450630	Public Information Act	42" x 7"	\$2.60
12	All Departments	450630	Public Information Act	42" x 8"	\$2.80
13	All Departments	450630	Public Information Act	+ postage, shipping, and misc. supplies	
14	All Departments	450630	Public Information Act	Large Bond Copies	
15	All Departments	450630	Public Information Act	12" x 18"	\$1.10
16	All Departments	450630	Public Information Act	18" x 24"	\$1.10
17	All Departments	450630	Public Information Act	24" x 36"	\$1.70
18	All Departments	450630	Public Information Act	42" x 30"	\$1.70
19	All Departments	450630	Public Information Act	+ postage, shipping, and misc. supplies	
20	All Departments	450630	Public Information Act	Vellum copies	
21	All Departments	450630	Public Information Act	24" x 36"	\$2.45
22	All Departments	450630	Public Information Act	+ postage, shipping, and misc. supplies	
23	All Departments	450630	Public Information Act	Other non standard size copies (per page)	\$0.50
24	All Departments	450630	Public Information Act	+ personnel charge, overhead charge, postage, shipping, and misc. supplies	
25	All Departments	450630	Public Information Act	Photographs (Police Department)	
26	All Departments	450630	Public Information Act	4" x 5" color print	\$2.15
27	All Departments	450630	Public Information Act	each additional print	\$0.95
28	All Departments	450630	Public Information Act	5" x 7" color print	\$2.20
29	All Departments	450630	Public Information Act	each additional print	\$1.00
30	All Departments	450630	Public Information Act	8" x 10" color print	\$2.40
31	All Departments	450630	Public Information Act	each additional print	\$1.20
32	All Departments	450630	Public Information Act	Polaroid color print	\$2.75
33	All Departments	450630	Public Information Act	each additional print	\$1.55
34	All Departments	450630	Public Information Act	4" x 5" black & white print	\$3.00
35	All Departments	450630	Public Information Act	each additional print	\$1.80
36	All Departments	450630	Public Information Act	5" x 7" black & white print	\$3.25
37	All Departments	450630	Public Information Act	each additional print	\$2.05
38	All Departments	450630	Public Information Act	8" x 10" black & white print	\$3.50
39	All Departments	450630	Public Information Act	each additional print	\$2.30
40	All Departments	450630	Public Information Act	4" x 5" black & white mug	\$3.20
41	All Departments	450630	Public Information Act	each additional print	\$2.00
42	All Departments	450630	Public Information Act	Polaroid black & white	\$2.35
43	All Departments	450630	Public Information Act	each additional print	\$1.15
44	All Departments	450630	Public Information Act	+postage, shipping, misc. supplies	
45	All Departments	450630	Public Information Act	Computer and electronic document imaging printouts	
46	All Departments	450630	Public Information Act	Standard size + personnel, overhead, computer resource, computer programming, misc. supplies, postage and handling	\$0.10
47	All Departments	450630	Public Information Act	Non-standard size + personnel, overhead, computer resource, computer programming, misc. supplies, postage and handling	\$0.50
48	All Departments	450630	Public Information Act	Plotter media documents: + personnel, overhead, computer resource, computer programming, misc. supplies, postage and handling	
49	All Departments	450630	Public Information Act	8 1/2" x 11" prints	\$0.24
50	All Departments	450630	Public Information Act	11" x 17" prints	\$0.24
51	All Departments	450630	Public Information Act	18" x 24" prints	\$0.48
52	All Departments	450630	Public Information Act	24" x 36" prints	\$0.72
53	All Departments	450630	Public Information Act	36" x 42" prints	\$0.96
54	All Departments	450630	Public Information Act	Non-standard copies (microfilm, microfiche) + personnel, overhead, computer resource, computer programming, misc. supplies, postage and handling	
55	All Departments	450630	Public Information Act	Standard	\$0.10
56	All Departments	450630	Public Information Act	Non-standard	\$0.50
57	All Departments	450630	Public Information Act	Media charge+ personnel, overhead charge, computer resources, computer programming, misc. supplies, postage and handling	
58	All Departments	450630	Public Information Act	Diskette	\$1.00
59	All Departments	450630	Public Information Act	Computer magnetic tape	
60	All Departments	450630	Public Information Act	4mm	\$13.50
61	All Departments	450630	Public Information Act	8mm	\$12.00
62	All Departments	450630	Public Information Act	9-track	\$11.00
63	All Departments	450630	Public Information Act	Data cartridge	
64	All Departments	450630	Public Information Act	2000 series	\$17.50
65	All Departments	450630	Public Information Act	3000 series	\$20.00
66	All Departments	450630	Public Information Act	6000 series	\$25.00
67	All Departments	450630	Public Information Act	9000 series	\$35.00
68	All Departments	450630	Public Information Act	600A	\$20.00
69	All Departments	450630	Public Information Act	Tape Cartridge	
70	All Departments	450630	Public Information Act	250 MB	\$38.00
71	All Departments	450630	Public Information Act	525 MB	\$45.00
72	All Departments	450630	Public Information Act	VHS video cassette	\$2.50
73	All Departments	450630	Public Information Act	audio cassette	\$1.00

DEPARTMENTAL FEE LIST

Line No.	Department	Account	Fee Description	Detail 2015 Adopted	FY 2016 Adopted Fees
74	All Departments	450630	Public Information Act	Mylar	
75	All Departments	450630	Public Information Act	3 ml / per linear feet	\$0.85
76	All Departments	450630	Public Information Act	4 ml / per linear feet	\$1.10
77	All Departments	450630	Public Information Act	5 ml / per linear feet	\$1.35
78	All Departments	450630	Public Information Act	Street code book	\$29.30
79	All Departments	450630	Computer programming charge		\$26.00/hour
80	All Departments	450630	Type of system	Mainframe	\$10.00/minute; \$.17/second
81	All Departments	450630	Type of system	Midrange	\$ 1.50/minute; \$0.03/second
82	All Departments	450630	Type of system	Client/Server	\$ 2.20/hour; \$0.04/minute
83	All Departments	450630	Type of system	PC or LAN	\$ 1.00/hour; \$0.02/minute
84	All Departments	450630	Fax charge	Local transmission	\$0.10 per page
85	All Departments	450630	Fax charge	Long distance within 915 area code	\$0.50 per page
86	All Departments	450630	Fax charge	Long distance outside 915 area code	\$1.00 per page
87	All Departments	450630	Overhead charge	Includes the cost of depreciation	\$3.00/hour; \$0.05/minute
88	All Departments	450630	Personnel charge	See ordinance for guidance in how to assess this charge.	\$15.00/hour; \$0.25/minute
89	All Departments	450630	Notary fees	Administering an oath or affirmation with certificate and seal	\$6.00
90	All Departments	450630	Notary fees	A certificate under seal not otherwise provided for	\$6.00
91	All Departments	450630	Notary fees	A copy of a record or paper in the notary public's office	\$ 0.50 for each page
92	All Departments	450630	Notary fees	Swearing a witness to a deposition, certificate, seal, and other business connected with taking the deposition	\$6.00
93	All Departments	554020	Credit Card Fee	City-wide credit card fee	1.98%
94	All Departments	431490	Administrative Fee	Administrative cost to prepare liens.	\$100.00 charge for preparation of lien and the release of lien
95	Municipal Clerk	440560	Parking Forfeits / Fines	GROUP A	
96	Municipal Clerk	440560	Parking Forfeits / Fines	521 Expired Meter	\$25.00
97	Municipal Clerk	440560	Parking Forfeits / Fines	503 Overtime Limit	\$25.00
98	Municipal Clerk	440560	Parking Forfeits / Fines	524 Hotel Zone-Parking	\$25.00
99	Municipal Clerk	440560	Parking Forfeits / Fines	512 Airport Limousine Zone	\$25.00
100	Municipal Clerk	440560	Parking Forfeits / Fines	526 Protruding into Buffer Zone	\$25.00
101	Municipal Clerk	440560	Parking Forfeits / Fines	504 Park on Bus or Taxi Stand	\$25.00
102	Municipal Clerk	440560	Parking Forfeits / Fines	525 Other Overtime - Contrary to Sign	\$25.00
103	Municipal Clerk	440560	Parking Forfeits / Fines	530 Passenger Loading Zone	\$25.00
104	Municipal Clerk	440560	Parking Forfeits / Fines	532 Loading Zone: General over 30 minutes	\$25.00
105	Municipal Clerk	440560	Parking Forfeits / Fines	533 Loading Zone: Commercial over 30 minutes	\$25.00
106	Municipal Clerk	440560	Parking Forfeits / Fines	534 More than one meter space	\$25.00
107	Municipal Clerk	440560	Parking Forfeits / Fines	535 Over 18" from Curb/Improper Proximity to Curb	\$25.00
108	Municipal Clerk	440560	Parking Forfeits / Fines	536 Loading Zone: Not commercial vehicle	\$25.00
109	Municipal Clerk	440560	Parking Forfeits / Fines	556 Within 30' of Stop Sign/ Stop Light	\$25.00
110	Municipal Clerk	440560	Parking Forfeits / Fines	564 Park-Funeral Zone	\$25.00
111	Municipal Clerk	440560	Parking Forfeits / Fines	567 Reserved Parking Space	\$25.00
112	Municipal Clerk	440560	Parking Forfeits / Fines	561 Police/Police Motorcycle Zone	\$25.00
113	Municipal Clerk	440560	Parking Forfeits / Fines	570 Alley-General Traffic Dist/Five Points/Not Loading	\$25.00
114	Municipal Clerk	440560	Parking Forfeits / Fines	571 Airport-Contrary to Signs or Markings	\$25.00
115	Municipal Clerk	440560	Parking Forfeits / Fines	572 Airport-Loading in Front of Terminal	\$25.00
116	Municipal Clerk	440560	Parking Forfeits / Fines	573 Airport-West of Terminal w/o Authorization	\$25.00
117	Municipal Clerk	440560	Parking Forfeits / Fines	Boot Fee	\$50.00
118	Municipal Clerk	440560	Parking Forfeits / Fines	GROUP B	
119	Municipal Clerk	440560	Parking Forfeits / Fines	551 Double Parking	\$55.00
120	Municipal Clerk	440560	Parking Forfeits / Fines	552 Wrong Side of street	\$55.00
121	Municipal Clerk	440560	Parking Forfeits / Fines	553 No Parking Zone	\$55.00
122	Municipal Clerk	440560	Parking Forfeits / Fines	574 Contrary to Angle Parking Signs	\$55.00
123	Municipal Clerk	440560	Parking Forfeits / Fines	582 Back-In Angled Parking Only	\$55.00
124	Municipal Clerk	440560	Parking Forfeits / Fines	575 Alongside/Opposite Street Excavation	\$55.00
125	Municipal Clerk	440560	Parking Forfeits / Fines	576 Violation of Street Cleaning/Construction of Signs	\$55.00
126	Municipal Clerk	440560	Parking Forfeits / Fines	577 Violation of Official Sign Prohibiting Parking	\$55.00
127	Municipal Clerk	440560	Parking Forfeits / Fines	578 News Media Zone	\$55.00
128	Municipal Clerk	440560	Parking Forfeits / Fines	579 Inspection Zone	\$55.00
129	Municipal Clerk	440560	Parking Forfeits / Fines	580 Covered Meter	\$55.00
130	Municipal Clerk	440560	Parking Forfeits / Fines	581 In Violation of Sign/Adjacent to School	\$55.00
131	Municipal Clerk	440560	Parking Forfeits / Fines	582 In Violation of Sign/Narrow Street	\$55.00
132	Municipal Clerk	440560	Parking Forfeits / Fines	583 In Violation of Sign/One-Way Street	\$55.00
133	Municipal Clerk	440560	Parking Forfeits / Fines	584 Temporary No Parking Zone	\$55.00
134	Municipal Clerk	440560	Parking Forfeits / Fines	585 Adjacent to Safety Zone	\$55.00
135	Municipal Clerk	440560	Parking Forfeits / Fines	586 Yellow Curb Markings	\$55.00
136	Municipal Clerk	440560	Parking Forfeits / Fines	587 In-Designated Bike Lanes	\$55.00
137	Municipal Clerk	440560	Parking Forfeits / Fines	508 Parking within 20' of Fire Station	\$55.00
138	Municipal Clerk	440560	Parking Forfeits / Fines	509 Parking within 50' of Railroad Crossing	\$55.00
139	Municipal Clerk	440560	Parking Forfeits / Fines	548 Easement/Parkway	\$55.00
140	Municipal Clerk	440560	Parking Forfeits / Fines	559 Parking on Sidewalk	\$55.00
141	Municipal Clerk	440560	Parking Forfeits / Fines	560 Parking on crosswalk/w 20' crosswalk	\$55.00
142	Municipal Clerk	440560	Parking Forfeits / Fines	561 Parking within 15' of Fire Hydrant	\$55.00
143	Municipal Clerk	440560	Parking Forfeits / Fines	562 Obstruct by Improper Parking (alley)	\$55.00
144	Municipal Clerk	440560	Parking Forfeits / Fines	563 Blocking Driveway	\$55.00
145	Municipal Clerk	440560	Parking Forfeits / Fines	565 Parking on Median	\$55.00
146	Municipal Clerk	440560	Parking Forfeits / Fines	568 Parking on Bridge	\$55.00
147	Municipal Clerk	440560	Parking Forfeits / Fines	569 In Alleys Contrary to Sign	\$55.00
148	Municipal Clerk	440560	Parking Forfeits / Fines	GROUP C	
149	Municipal Clerk	440560	Parking Forfeits / Fines	555 Fire Lane	\$150.00
150	Municipal Clerk	440560	Parking Forfeits / Fines	569 Hazardous/Congested Place	\$150.00
151	Municipal Clerk	440560	Parking Forfeits / Fines	590 Within Intersection	\$150.00



In the Spirit of Transparent Government

**Presented by
City Representative Emma
Acosta, District 3**

October 6, 2015

Texas Government Code

Title 5. Open Government; Ethics

Subtitle A. Open Government

Chapter 552. Public Information

Subchapter A. General Provisions

Sec. 552.001. POLICY

(a) Under the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that government is the servant and not the master of the people, it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees.

Sec. 552.001. POLICY – Continued

- The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.
- The people insist on remaining informed so that they may retain control over the instruments they have created.
- The provisions of this chapter shall be liberally construed to implement this policy.

City of El Paso

Strategic Goals And Strategies

Goal 5. Promote Transparent & Consistent Communication Amongst All members of the Community.

- 5.1** Set a climate of respect, collaboration and team spirit among Council, city staff and the community
- 5.3** Promote a well-balanced customer service philosophy throughout the organization
- 5.5** Advance two way communication of key messages to external customers
- 5.6** Strengthen messaging opportunities through media outlets

Goal 6. Set the Standard for Sound Governance and Fiscal Management

6.8 Support transparent and inclusive government

In the Spirit of Transparent Government

- Initiate a Policy that any Open Records Request (ORR) by City Elected Officials & Board Members be placed on the next available Regular City Council Agenda.
- That any amount paid by the elected official and/or Board member be disclosed.
- That the amount of staff time utilized for such a request also be disclosed.
- That the Ethics Commission & the Internal Auditor Oversee the Policy for Compliance Purposes.

Whenever people are well-informed they can be trusted with their own government.

Thomas Jefferson