



*LYTLE LAKE WATER CONTROL &  
IMPROVEMENT DISTRICT*

1013 Energy Drive, Abilene, TX 79602• P.O. Box 3457, Abilene, TX 79604• (325) 690-0835

---

**A RESOLUTION ADOPTING A PUBLIC INFORMATION POLICY**

---

**WHEREAS**, the Lytle Lake Water Control and Improvement District is a governmental body operating under Chapter 51 of the Texas Water Code, and Article XVI, Section 59 of the Texas Constitution, and is subject to the mandates of the Texas Public Information Act, Chapter 552 of the Texas Government Code; and

**WHEREAS**, the Texas Public Information Act mandates the disclosure of some data, prohibits the release of other data; and provides civil and criminal penalties for not publicly disclosing data that is open, and for disclosing data which is confidential; and


**WHEREAS**, section 552.230 the Public Information Act grants the District authority to promulgate reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay; and

**WHEREAS**, the District finds that the following rules of procedure are reasonable and justified, and shall further the efficient management of public information.


**BE IT RESOLVED THAT**, the District hereby promulgates the following rules of procedure for the submitting, receiving, and processing requests for public information (open records), attached hereto as Exhibit "A", and incorporated by reference for all intents and purposes.

---

Approved and adopted this 18<sup>th</sup> day of April, 2017:

  
\_\_\_\_\_  
Lawrence E. Gill, President

ATTEST:

  
\_\_\_\_\_  
Mary Ann Fergus, Secretary

(SEAL)

## Lytle Lake Water Control and Improvement District Public Information Policy

### 1. ENACTMENT PROVISIONS

#### 1.1. Purpose

This Policy provides standards for requesting, processing, disclosing and withholding Lytle Lake Water Control and Improvement District (hereafter referred to as "District") records. This Policy is designed to assist in bringing to the District's operations an understanding, cooperation and efficiency in handling requests for public information through the application of uniform procedures. The objectives of this Policy are to:

- (a) Promote and increase responsiveness to the public's request for information;
- (b) Provide a fair and equal opportunity for obtaining access to information;
- (c) Reduce duplication of effort and increase the efficiency with which requests are handled; and
- (d) Demonstrate the District's commitment to residents so as to further their control over the instruments they have created.

#### 1.2. Scope

This Policy applies to all data, documents, forms, and information managed or possessed by the District. This Policy applies to all requests for information submitted to the District after the date of enactment.

### 2. DEFINITIONS

#### 2.1. General

Words and phrases used in this Policy shall have the meanings set forth in this section. Words and phrases not defined in this Policy shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

#### 2.2. Specific

**Business Days:** Every official working day of the week. The term excludes Saturdays, Sundays, and official holidays.

**Days:** Regular calendar days wherever used in the Policy without specification of "business days".

**District Office:** The District's administrative office, currently located at 1013 Energy Drive, Abilene, Texas, or at any other location as may be established in the future.

**Public Information:** All data that is collected, assembled, or maintained under a law or in connection with the transaction of official business by the District. It also includes data the District owns or has a right of access to but was prepared or stored by a third party. Examples of media in which information may exist include: (1) paper; (2) film; (3) a magnetic, optical, or solid state device that can store an electronic signal; (4) tape; (5) mylar; (6) linen; (7) silk; and (8) vellum. The general forms in which the media containing public information exist, include a book, paper, letter, document, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video held in computer memory. Note that certain categories of information are considered "public information" that is not excepted from disclosure unless expressly confidential by law. This term shall be construed in accordance with Chapter 552 of the Public Information Act, as may be amended.

**Public Information Officer:** The District Manager, or the District Manager's designee.

### 3. INFORMATION MANAGEMENT

#### 3.1. Conflicts

This Policy is a guide for District management, staff, and the Board of Directors (hereafter referred to as the "Board"). It should in no way be construed as modifying state laws regarding disclosure of public information or the retention of records. This Policy is to be read in harmony with such other District policies and state statutes when possible so as to give effect to the stated purpose of this Policy.

#### 3.2. Record Retention and Management

All "local government records", as defined by the Local Government Records Act, Chapter 201 of the Texas Local Government Code, as may be amended, shall be maintained in compliance with that statute and any other relevant District policies. All mandatory retention periods established by the records retention schedule shall be closely observed. This Policy is to be interpreted and implemented in harmony with any and all records retention schedules and records management programs adopted by the Board pursuant to Chapter 203 of the Texas Local Government Code.

### 4. PROCESSING INFORMATION

#### 4.1. Written Requests

- (a) All requests for information submitted to the District must be in writing. Oral requests for information shall not be processed. Persons requesting information

orally shall be offered an Information Request Form (*See Exhibit A*) to complete and return to the District Office.

- (b) If any person makes an oral request for information to a member of the Board of Directors, the Board member receiving the request shall direct the Requestor to submit the request in writing to the District Manager.
- (c) If the District Manager is unable to process the request for information, the request shall be forwarded to the Board Attorney within twenty-four (24) hours of receipt for processing. If the Board Attorney is unable to process the request, the request shall be forwarded to the President of the Board for processing.

#### 4.2. Requirements

In order to be considered complete, a request for information must contain the following:

- (a) Requestor's name;
- (b) Requestor's mailing address (for receipt of U.S. Mail);
- (c) Requestor's telephone number;
- (d) Requestor's fax number (*if available*);
- (e) Requestor's email address (*if available*);
- (f) Written description of the information sought; and
- (g) Written indication of what format and by what means the requestor wants to receive the requested information.

#### 4.3. Information Request Form

Requestors are encouraged to utilize the standard form entitled "Information Request Form" (*See Attachment A*). The Form shall be provided to the public on the District's Webpage, as well as upon request either in person, by facsimile transmission, by electronic mail, or by U.S. Mail. District staff shall prepare an Information Request Form when a written request for information is received that is not accompanied by an Information Request Form, yet contains all of the required information. Upon request, District management shall assist citizens with disabilities in completing an Information Request Form when circumstances permit.

#### 4.4. Submissions

- (a) A written request for information must be submitted in person (by hand-delivery), or via postal service or electronic mail (e-mail). All requests for information must be addressed as follows:

Lytle Lake Water Control and Improvement District  
Mail: P.O. Box 3457, Abilene, Texas 79604  
E-mail: llwcid@llwcid.org

- (b) The burden is on the Requestor to comply with the mandates of this Policy. The District shall not be obligated to respond to information requests sent to erroneous addresses.

4.5. Date Stamp

District management or staff receiving a request for information, whether as an Information Request Form or in another written form, must immediately make a notation on the request as to the date it was received.

4.6. Request Log

The District shall maintain a list that documents the disposition of all requests for information.

4.7. Timeliness

- (a) All requests for information shall be processed promptly and without delay. If the requested information cannot be located, compiled or otherwise prepared for public disclosure within ten (10) business days, the Requestor shall be notified in writing and provided with a request to narrow or clarify the scope of the request, or shall be provided an estimated date and hour, within a reasonable time, for duplication or inspection.
- (b) If the District Manager determines that it will be necessary to seek a decision from the Attorney General regarding whether the requested information is subject to public disclosure, he/she must contact the Board Attorney within twenty-four (24) hours of receipt and the Board Attorney shall seek such a decision within ten (10) business days of receipt.
- (c) If the District is going to impose a charge upon the Requestor exceeding forty dollars (\$40.00), written notice shall be provided to the Requestor within twenty (20) days.
- (d) If the requested information is not available in the requested form, the Requestor shall be notified within twenty (20) days.

4.8. Disposition

The time, date and nature of response for each request shall be noted on the Information Request Form.

4.9. Uniformity

All requests for information are to be treated uniformly without regard to the Requestor's identity, motives, or method of submission so long as the request is in writing. Requests may be handled differently if the circumstances dictate, such as when a Requestor is directly involved in litigation with the District and disparate treatment is necessary to comply with court orders or rules of legal procedure.

## 5. CHARGES FOR INFORMATION

### 5.1. Full Cost Recovery

To the extent possible, the costs of responding to particular requests for information are to be born by the Requestor and not by the taxpayers of the District. All requests for information are subject to reasonable charges that include the costs related to reproducing information such as the costs of materials, labor and overhead, as allowed by law. The District will follow the cost-recovery guidelines established by the Office of the Attorney General of Texas, when applicable. Exceptions can be made in those rare and unusual situations in which the District Manager determines that waiving the charge is in the public interest.

### 5.2. Charges for Copies

- (a) If there are fifty (50) or fewer pages of information that are responsive to a request, the charge shall be ten cents (\$.10) per page. There shall be no charge for labor or overhead. *See* 1 TAC §70.3.
- (b) If there are fifty-one (51) or more pages of information that are responsive to a request, the charge shall be ten cents (\$.10) per page plus labor and overhead. *See* 1 TAC §70.3. All charges shall conform to the guidelines promulgated by the Office of the Attorney General of Texas. *See* 1 TAC §70.10.
- (c) The District will not charge for making available for inspection data maintained in standard paper form. Charges are permitted only where the District is asked to provide for inspection of information that either contains confidential data and public information that must be edited, or includes certain information that is old or voluminous, pursuant to 1 TAC §70.5.
- (d) The District will require the payment of all outstanding balances due from a Requestor for previous information requests that were prepared by the District, and for which the Requestor was notified yet failed to pay the assessed charges. The District is not obligated to process new requests for information until the outstanding balances have been paid-in-full. 1 TAC §70.11.

### 5.3. Itemized Estimate

- (a) If a request for information will result in the imposition of a charge that exceeds forty dollars (\$40.00), the District shall provide the requestor with an itemized written estimate in accordance with Section 552.2615, Texas Government Code. If an alternative less costly method of viewing the records is available, the statement must include a notice of the alternative method.
- (b) A request is considered to have been withdrawn by operation of law if, within ten (10) days after sending the itemized statement, the Requestor fails to respond in writing that Requestor will accept the estimated charges or that the Requestor is modifying the request in response to the itemized statement.

- (c) In order to avoid incurring costs that the Requestor might ultimately refuse to pay, the District shall not process a request for information until after the Requestor has responded as provided above.

5.4. Programming or Manipulation of Data

If a Requestor asks that information be provided on a diskette or other computer-compatible media, and the requested information is electronically stored, the District shall provide the information on computer-compatible media, if the District has the technological capability to do so. The District is not required to purchase any hardware, software or programming capabilities that it does not already possess to accommodate a particular kind of request. If the District does not have the required technological capabilities to comply with the request in the format preferred by the Requestor, the District shall proceed in accordance with Section 552.228(c) of the Texas Government Code and Section 70.6, Texas Administrative Code.

SECTION 6. PROHIBITION

6.1. Unauthorized Access

It shall be unlawful for any person other than authorized staff to access filing cabinets, drawers, binders, or file storage boxes in the District Office without the express permission of the District Manager.

6.2. Unauthorized Removal

It shall be unlawful for any person other than authorized staff to remove documents, forms, files, information or data from the District Office without the express permission of the District Manager.

6.3. Unauthorized Destruction

It shall be unlawful for any person other than authorized staff to destroy, deface, obscure, tear, shred, or dispose of documents, forms, files, information or data from the District Office without the express permission of the District Manager.

6.4. Unauthorized Disclosure

It shall be unlawful for any person to disclose to the public any confidential documents, forms, files, information or data from the District Office without the express permission of the District Manager.

## SECTION 7. ENFORCEMENT

### 7.1. Dissemination

District staff shall be informed of the existence of this Policy and keep a copy available for reference. Failure to reasonably comply with this Policy may be grounds for discipline up to and including termination.

### 7.2. Civil and Criminal Penalties

The District shall have the power to administer and enforce the provisions of this Policy as may be required by governing law. Any person violating any provision of this Policy is subject to suit for injunctive relief as well as prosecution for criminal violations.

### 7.3. Criminal Prosecution

Any person violating any provision of this Policy shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this Policy is violated shall constitute a separate offense. An offense under this Policy is a misdemeanor.

### 7.4. Civil Remedies

Nothing in this Policy shall be construed as a waiver of the District's right to bring a civil action to enforce the provisions of this Policy and to seek remedies as allowed by law, including, but not limited to, injunctive relief to prevent specific conduct that violates this Policy or to require specific conduct that is necessary for compliance with this Policy, and a civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of this Policy and after receiving notice committed acts in violation of the Public Information Act ("PIA") or failed to take action necessary for compliance with the PIA.





# LYTLE LAKE WATER CONTROL & IMPROVEMENT DISTRICT

1013 Energy Drive, Abilene, TX 79602° P.O. Box 3457, Abilene, TX 79604° (325) 690-0835

## INFORMATION REQUEST FORM

Requestor's Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_

Description of Information Sought:

Check One:  I request copies to be given in person  
 I request copies to be mailed  
 I request copies to be faxed  
 I request digital copies to be sent via e-mail (when available)  
 I request digital copies to be given on diskette (when available)  
 I request only to view the information at the District Office  
 Other (please explain in detail):

### For District Use Only:

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Provided the following information for viewing:

Fee Assessed: \_\_\_\_\_ Date: \_\_\_\_\_

Disposition:  Provided copies (see attached) via the method requested above  
 Fee Assessed: \_\_\_\_\_ Date: \_\_\_\_\_

Sent to Attorney Date: \_\_\_\_\_

AG Opinion Requested: Date: \_\_\_\_\_

AG Opinion # \_\_\_\_\_ Received: Date: \_\_\_\_\_

Additional Notes: \_\_\_\_\_

Assigned: \_\_\_\_\_ Date: \_\_\_\_\_