

20 January 2010

Brandon Cook
City Attorney's Office
City of Galveston
823 Rosenberg
P.O. Box 779
Galveston, TX 77553

Dear Mr. Cook:

Thank you for pointing out, in your letter of 07 January, that ORR 10-005 duplicates the items requested in ORR 09-564. To eliminate any redundancy, we will withdraw ORR 09-564 and ask your office to proceed with ORR 10-005.

In responding to your notice about potential charges to fulfill this ORR, I must inform you that I have submitted 2-3 dozen ORR's over the last two years, and the issue of charges was never raised before. After comparing notes with several other people, I confirmed that the issue of charges was not raised for their ORR's either, so what has changed? Since the City of Galveston appears to have a long-standing policy of not charging for ORR's, the obvious questions are; why now, and why us?

You'll also note that ORR 10-005 cited Section 552.267 of the Texas Open Records Act which provides for a waiver of all fees, because the disclosure of the requested information primarily benefits the general public. Since the rebuilding of public housing in this city is easily the most controversial issue since Hurricane Ike, an ORR seeking information on this subject should easily qualify under 552.267 for the waiver of all fees.

Finally, please note that the City has been fulfilling ORR's for some time now by creating PDF files and emailing them to the requestor, so the issue of copies and their costs should be moot.

My preference would be for the City to follow its long-established policy, and complete ORR 10-005 without billing us. However, if you insist on leaving potential charges on the table, I would like for you to send us an estimate of the total cost to assemble the requested materials for my inspection. In addition, would you please send us an estimate of the total cost to assemble the materials, convert them to PDF files, and send them to us via email, as is your customary practice?

I also want to take this opportunity to inform you that if ORR 10-005 is not completed as usual, without charge, I will be filing a complaint with the Attorney General asking for a ruling on the following issues:

1.)

Sec. 552.223

UNIFORM TREATMENT OF REQUESTS FOR INFORMATION.

"The officer for public information or the officer's agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media.

After establishing a long history of not charging for ORR's, how can your notice of possible costs not be in violation of this Section?

2.)

Sec. 552.267

WAIVER OR REDUCTION OF CHARGE FOR PROVIDING COPY OF PUBLIC INFORMATION.

(a) "A governmental body shall provide a copy of public information without charge or at a reduced charge if the governmental body determines that waiver or reduction of the charge is in the public interest because providing the copy of the information primarily benefits the general public."

Since the rebuilding of public housing in this city is easily the most controversial issue since Hurricane Ike, an ORR seeking

information on this subject should easily qualify for a waiver of all fees.

3.)

Most importantly, I will be asking the AG's office to examine whether this sudden "change in policy" is merely a thinly-veiled effort to intimidate the Galveston Open Government Project in our efforts to provide oversight on City government.

Thank you for your assistance.

Sincerely,

David Stanowski, President
Galveston Open Government Project, Inc.
2211 Avenue P
gogp@att.net
409-356-6553