

**TIRZ 17 REDEVELOPMENT AUTHORITY
(MEMORIAL CITY REDEVELOPMENT AUTHORITY)**

**POLICIES AND PROCEDURES
FOR PUBLIC PARTICIPATION AND
PUBLIC INFORMATION**

Purpose

The purpose of this document is to provide guidance on public participation in the meetings of the Board of Directors (the “Board”) of the TIRZ 17 Redevelopment Authority (Memorial City Redevelopment Authority) (the “Authority”) and requesting public information regarding the Authority. It is a goal of the Authority to efficiently (i) receive comments from members of the public at Board meetings, and (ii) provide accurate information to parties making a request for public information under the Texas Public Information Act (Chapter 552 of the Texas Government Code, referred to as the “TPIA”). The Authority has therefore adopted the following policies and procedures. The Authority shall fully comply with the requirements of the TPIA; nothing in this document shall be read to lessen the requirements of the TPIA.

Open Meetings; Meeting Notices; Mailing List

All meetings of the Board are held in compliance with the Texas Open Meetings Act (Chapter 551 of the Texas Government Code, referred to as the “TOMA”). Occasionally, and as authorized by the TOMA, the Board may meet in non-public, executive session.

To maximize public awareness of the Authority’s activities, the Board endeavors to meet on a regularly scheduled basis and at a regularly scheduled location. Subject to time and scheduling constraints, regular monthly meetings of the Board are scheduled at 7:30 a.m. on the first Tuesday of every month. Periodically, a meeting at a different time or location may be necessary.

The Authority posts notices of its Board meetings in compliance with TOMA. Additionally, the Authority shall endeavor to send by facsimile, mail or e-mail notices of Board meetings to members of the public who request such notices. A member of the public who chooses to receive notices of Board meetings should request inclusion on the Authority’s mailing list by contacting the Authority’s Executive Director.

Procedures for Public Participation in Open Meetings

Board meetings are structured in a manner that best allows the Board to maintain order at a meeting to transact its business. The primary recipients of information and data presented at Board meetings are the members of the Board. The Authority requests that its consultants endeavor to provide a reasonable number of hand-outs for members of the public.

All members of the public are to remain seated during the board meeting unless to get refreshments or leave the meeting room. Any person in attendance at an open meeting may record all or any part of the open meeting by means of a tape recorder, video camera, or still camera. Persons desiring to record the open meeting must remain in the area designated for such use by the Authority. All persons recording an open meeting must do so in such a manner so as not to obstruct the view of another person or in any way disturb or interfere with the orderly conduct of the meeting at any time.

Public participation in Board meetings shall be limited to a public comment period. Subject to time and scheduling constraints, the Board shall endeavor to provide a designated time for public comment at each Board meeting. The purpose of such comment period is for the Board to receive comments from members of the public; public comments should not include questions or requests for information. As discussed below, any requests for information should be made separately and in writing. In addition, to maximize the efficiency of the public comment period, members of the public are asked to follow these rules when speaking during an open meeting:

- a. Prior to the comment period, sign up on the list provided.
- b. Keep all comments to less than 3 minutes in length.
- c. Questions or comments will be not be addressed by the Board.
- d. No person may obstruct the view of another person or in any other manner disturb or interfere with the orderly conduct of the meeting at any time. This includes talking out of turn or verbal utterances.
- e. No member of the public may applaud, boo, clap or otherwise audibly express approval or disapproval of the discussion by or actions being taken by the Board of Director in a loud and raucous manner calculated to disturb the meeting, except for public recognition initiated by the Board of Directors or Authority staff.
- f. Those persons who do not conduct themselves in an orderly and appropriate manner will be given a warning by the Authority

Chairperson. Any person who, after having been warned of his or her noncompliance, continues to conduct themselves in a disorderly or inappropriate manner will be asked to leave the meeting room and recognition to speak may be refused at subsequent meetings of the Authority. Any police officer or other person assigned to provide security for the Authority meeting shall assist in the removal of the person if deemed necessary. The operation of this rule shall not be construed to preclude any person from prosecution for violation of any applicable penal law.

In addition to the rules listed above, the following state laws apply to all conduct at public meetings:

Texas Penal Code, Section 38.13 - Hindering Proceedings by Disorderly Conduct

- (a) A person commits an offense if he intentionally hinders an official proceeding by noise or violent or tumultuous behavior or disturbance.
- (b) A person commits an offense if he recklessly hinders an official proceeding by noise or violent or tumultuous behavior or disturbance and continues after explicit official request to desist.
- (c) An offense under this section is a Class A misdemeanor.

Texas Penal Code, Section 42.05 - Disrupting Meeting or Procession

- (a) A person commits an offense if, with intent to prevent or disrupt a lawful meeting, procession, or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance.
- (b) An offense under this section is a Class B misdemeanor.

Compliance with the Americans with Disabilities Act

The Authority will ensure that, to the maximum extent possible, all of its meetings comply with the Americans with Disabilities Act (“ADA”). Under the ADA, an individual with a disability must have equal opportunity for effective communication and participation in public meetings. Upon request, the Authority will endeavor provide auxiliary aids and services, to the extent that the same does not impose an undue financial or administrative burden on the Authority. In determining the type of auxiliary aid or service, the Authority will give primary consideration to the individual’s request. Those requesting auxiliary aids or services should notify the

Authority's Executive Director, by mail, e-mail, facsimile or telephone, at least 72 hours in advance of each meeting for which such aids or services are requested.

Procedures to Request Public Information

What is Public Information?

"Public Information" is defined by the TPIA as "information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body for a governmental body and the governmental body owns the information or has a right of access to it." Public information includes only information in existence at the time a request is made, and does not require the governmental body to prepare new information.

Not all questions are a request for Public Information

The TPIA does not require the Authority to prepare new information in response to a request. The TPIA does not require the Authority to prepare answers to questions or to research. Although members of the Board or consultants of the Authority may at times find it convenient to respond to and answer questions, limited time and resources prevent the Authority from answering all questions.

Requests must be addressed to the Authority's Executive Director.

All requests for public information should be addressed to the Authority's Executive Director. Contact information is provided at the end of this document. It is important to note that the Authority contracts with the Memorial City Management District (Harris County Municipal Management District No. 1) (the "District") to provide the services of the Executive Director as well as an office and overhead for the Authority. This relationship with the District reduces the Authority's administrative burden. The Authority and the District are separate legal entities that share an office, overhead and employees. Please do not be confused that the contact information for the Authority and the District are the same.

Requests must be in writing.

An official request for Public Information must be made **in writing** and submitted in person or by mail, fax, or email using the contact information listed at the end of this document. (See Government Code Section 552.301(a).) Verbal requests for information or questions posed are not official request for Public Information.

Requests must include sufficient detail.

A written request for Public Information should include enough description and detail about the information requested to enable the Authority to accurately identify and locate the information requested. At times, the Authority may request a clarification or discuss ways to narrow the scope of a request so that Public Information may be efficiently provided to the requestor.

Requests for Public Information: Responsibilities of the Authority

The Authority's responsibilities include:

- In general, when responding to requests for Public Information, promptly making Public Information available for inspection or copying. Under the TPIA, "promptly" means "within a reasonable time, without delay."
- Informing the requestor if the information cannot be provided promptly and set a date and time to provide it within a reasonable time.
- Informing requestors of the estimated charges greater than \$40 and any changes in the estimates above 20 percent of the original estimate, and confirming that the requestor accepts the charges or has amended the request, in writing, before finalizing the request.
- Requesting a ruling from the Office of the Attorney General regarding any information the Authority believes may be withheld under the TPIA, and sending a copy of the request for ruling, or a redacted copy, to the requestor.

Requests for Public Information: Responsibilities of the Requestor

In order to minimize disruptions in the Authority's daily business, requestors are asked to follow these guidelines:

- Respond promptly in writing to all written communications from the Authority. 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.
- 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.
- Make a timely payment for all valid charges.

Contact Information

Please address all written requests for Public Information to the Authority using one of the following:

By mail to: 820 S. Gessner, Suite 1530, Houston, Texas 77024
By fax to: (713) 984-0432

Additional information regarding the TPIA is available on the attached bulletin issued by the Texas Attorney General's Office.

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 Office of the Attorney General, 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

- ✓ Submit a request by mail, fax, email or in person according to a governmental body's reasonable procedures.
- ✓ Include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested.
- ✓ 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.

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.

B. 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.

For complaints regarding failure to release public information please contact your local County or District Attorney at:

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