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April 1, 2024

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WRITER'S EMAIL – david.overcash@wtmlaw.net

VIA email to editor@fatetribune.com

Michael Pipkins

Re: Public Information Request
City's File No. R001121-020724

Dear Mr. Pipkins:

The City of Fate ("the City") has received a request for information from you and assigned it the following identifier: R001121-020724 ("your request"). Please use this number whenever corresponding with the City regarding your request. Your request, as originally presented, sought an assembly of all email or text messages to "any person representing the developers or owners of [specified development] for the last 12 months."

Under the Texas Public Information Act ("the Act"), when a public information request is unclear or appears to correspond to a large volume of responsive materials, governmental entities may request written clarification or narrowing from the requestor. With respect to R001121-020724, the City sought clarification and/or narrowing of its terms via correspondence of February 20, 2024, which you provided via the City's electronic submissions portal on February 22, 2024. After consideration of the clarifications and narrowing refinements you made, the City determined that the estimated expense of processing your request would exceed \$100.00, and therefore the City issued a formal cost estimate and required an advance deposit equal to that amount. Your payment was processed on or about March 15, 2024.

Enclosed please find the materials located by the City which are responsive to the parameters of R001121-020724 as clarified.¹ Certain redactions have been made within these materials in accordance with the Act. First, electronic mail addresses for members of the public who have not expressly consented to their release are withheld as required by Texas Government Code § 552.137.² Second, certain account numbers, passwords, or other access device numbers have been withheld under Texas Government Code § 552.136.

Normally, we must request a ruling from the Texas Attorney General before we can

¹ Attachments have not been assembled or processed, as you expressly excluded them from R001121-020724 in your clarification message of Feb. 22, 2024. For general security purposes, the City has redacted various hyperlinks as nonresponsive.

² Requestors often find it counterintuitive, but even when the requestor provides an email address for use as a search term, Texas law largely prohibits the City from releasing documents with email addresses left in place. Various tools were used to execute the necessary redactions; within the released materials, some are removed via black bar overlay, while others were replaced with [EMAIL REDACTED]. This notation means only an email address; it is not a notation suggesting an entire email message was withheld.

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withhold any of the information you requested. However, section 552.136 allows us to withhold this specific information without requesting a ruling from the attorney general. With respect to section 552.137, the Texas Attorney General has authorized the withholding of email addresses under that exception without requesting a ruling in Opens Records Decision No. 684.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.136 and 552.137.

If the City's releases are not sufficient to satisfy the entirety of R001121-020724 as clarified, the intended scope of the remaining parts is unclear to the City and you must provide written clarification regarding what additional records are requested (e.g., the names of attachments requested). Please be as specific as possible and avoid use of open-ended terms ("any and all"; "etc."; "such as"), and if attachments are to be included in the City's search, please clarify whether the City is asked to produce multiple copies of electronic records which are only distinguishable by their "metadata" (i.e., details of date of creation and the like).

Please be advised that the City specifically limits the purpose of this correspondence to the individual item(s) or matter(s) set forth in the paragraph(s) immediately above and any lack of response by the City with respect to any additional requests, questions, allegations or assertions included in your correspondence, if any, is not a confirmation, denial or comment as to any such additional item(s) or matter(s). Information about the law regarding the Public Information Act may be found at the Office of the Texas Attorney General.

In accordance with Texas Government Code Section 552.222(d), if by the 61st day after the date of this letter the City has not received a written response from you, any unfulfilled portion of the public information request is considered to have been withdrawn.

Sincerely,



David Overcash
Interim City Attorney

Enclosures: R001121-020724; responsive materials from the City of Fate [682 pages, redacted]

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How to appeal the withholding of information under Gov't Code section 552.136 and 552.137

If you wish to appeal the withholding of information discussed on the previous page, you must send the following to the attorney general:

- 1) a signed, written statement indicating your wish to appeal the withholding of information;
- 2) the name of the governmental body that withheld information from you;
- 3) the date you made your original request for information; and
- 4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail to the attorney general at:

Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the attorney general will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.

Public Information Request (R001121-020724)

▼ Public Information Request Details

For Fire and Police records requests including accident reports, please [CLICK HERE](#)

Are You Representing a Firm or Company?: Yes

Firm or Company Name: Fate Tribune

Type of Record(s) Requested: Other (Unknown)|

Describe the Record(s) Requested: All email or text messages from all city employees to any person representing the developers or owners of Lafayette Crossing for the last 12 months.

Preferred Method to Receive Records: Electronic via Records Center

Redaction Consent: I wish to receive information without redaction

I Agree: Yes

> Legal Information

> Exemptions

> Clarifications

> Public Records Archive Summary

▼ Message History

Date

On 2/7/2024 11:36:12 AM, Michael Pipkins wrote:
For clarification... The 'or' is to inclusive and shall have the same meaning as 'and'... I request both emails AND text messages if they exist.

Date

On 2/7/2024 11:25:57 AM, System Generated Message:

Subject: Public Information Act Request :: R001121-020724

Body:



Dear Michael Pipkins:

Thank you for your interest in public records of City of Fate Public Records Office. Your request has been received and is being processed in accordance with Chapter 552 of Texas Government Code, the Public Information Act. Your request was received in this office on 2/7/2024 11:25:54 AM and given the reference number R001121-020724 for tracking purposes.

Records Requested:

"All email or text messages from all city employees to any person representing the developers or owners of Lafayette Crossing for the last 12 months."

Your request will be forwarded to the relevant City of Fate Public Records Office department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The Chapter 552 of Texas Government Code, the Public Information Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the City of Fate Public Records Center.

City of Fate Public Records Office

City of Fate Public Records Office

To monitor the progress or update this request please log into the [City of Fate Public Records Center](#)



On 2/7/2024 11:25:55 AM, Michael Pipkins wrote:
Request Created on Public Portal

▼ Request Details

Reference No:	R001121-020724
Create Date:	2/7/2024 11:25 AM
Update Date:	2/13/2024 1:00 PM
Completed/Closed:	No
Required Completion Date:	2/21/2024
Status:	Assigned
Priority:	Medium
Assigned Dept:	City Attorney's Office
Assigned Staff:	David Overcash
Customer Name:	Michael Pipkins

Email Address: editor@fatetribune.com

Phone: 7023285828

Group: (Not Specified)

Source: Web