

REQUEST FOR PUBLIC INFORMATION

ALL REQUESTS MUST BE IN WRITING AND DIRECTED TO THE CITY CLERK, 72 W. College, San Angelo, TX 76902
Phone: 325-657-4405 // Fax: 325-657-4553 // alicia.ramirez@sanangelotexas.us

(Please type or print)

Requestor name: Ryan Hobbs
Telephone and/or Fax number: 512-619-9422
Mailing Address: PO Box 17126
City, State, Zip: Austin, TX 78610

List information as specifically as possible, including name, dates and case numbers, if known. Attach a separate sheet to this form if necessary:

See attached letter dated 7-1-14.

[Empty lines for listing information]

- (Check one) [x] a. I request copies (charged per OAG guidelines)
[] b. I request only to view at City Hall
[] c. Other (please explain in detail)

Requestor signature: Ryan Hobbs Date/Time: 7-1-14 / 4:25 pm

AVAILABILITY OF PUBLIC INFORMATION

Date/time request received:

Department:

The information requested is: (immediately available) (in use) (in storage)
(otherwise unavailable for immediate inspection) (not available in the requested format).

If not Immediately available:

The information requested will be available (date and time)

If not available in the requested format:

The available format is

and can be provided (date and time) after the authorization to proceed is received.

To provide the information in the requested format, a contract or services will be required:

The contract or services are

The information can be provided in the requested format:

(timeframe, i.e., days/weeks) after the authorization to proceed is received.

C. CHARGES FOR PUBLIC INFORMATION

	<u>Number</u>		<u>Total</u>
Standard-size Paper Copies:	_____	@ \$.10/page	\$ _____
Nonstandard-size Copies:			
-Diskette/CD	_____	@ \$1.00/ea.	\$ _____
-VHS Video Cassette	_____	@ \$2.50/ea.	\$ _____
-Audio Cassette	_____	@ \$1.00/ea.	\$ _____
-Oversized Paper	_____	@ \$.50/ea.	\$ _____
-Other (also see GSC rules)	_____	(actual cost)	\$ _____
Personnel Charges:			
-Programming	_____	@ \$26.00/hr.	\$ _____
-Other	_____	@ \$15.00/hr.	\$ _____
Overhead Charges: (20% of Personnel)	_____	x .20	\$ _____
Remote Retrieval Charges:			
\$11.00 per delivery/return plus	_____	@ \$2.00/box	\$ _____
Computer Resource Charges:			
-Mainframe	_____	@ \$10.00/min.	\$ _____
-Midsize	_____	@ \$1.50/min.	\$ _____
-Client/Server	_____	@ \$2.20/min.	\$ _____
-PC or LAN	_____	@ \$1.00/min.	\$ _____
Postage/Shipping Charges:	_____	(actual cost)	\$ _____
FAX Charges:			
-Local	_____	@ \$0.10/page	\$ _____
-Long Distance	_____	@ \$0.15/page	\$ _____
Other Charges: (also see GSC rules)			\$ _____
TOTAL ESTIMATED CHARGES			\$ _____

D. APPROVALS

Department Head signature: _____

City Attorney signature: _____
(Necessary only for non-routine requests for public information when Request for Legal Assistance has been previously submitted)

E. AUTHORIZATION TO PROCEED

The estimated charges and time required to provide the information in the requested format have been reviewed. Please provide the information in the (requested format) (available format).

Date: _____

Requestor signature: _____

F. DEPOSIT AND/OR RECEIPT(S) FOR CHARGES PAID

(50% of estimated charges if over \$100)

Deposit Receipt # _____ x .50 - \$ _____

Balance Receipt # _____ BALANCE DUE \$ _____

Charge account # _____

July 1, 2014

City of San Angelo
Office of the City Clerk
72 W. College Avenue
San Angelo, Texas 76903

RE: Public Information Request

Dear Mrs. Ramirez:

Please consider this an official open records request for the following public information from the City of San Angelo:

Background and requested public information

Republic Services of Texas LTD submitted a response to the City of San Angelo's Request for Proposal (RFP) No: OP-01-14 for Landfill Lease and Operation and Waste Collection Services. On July 1, 2014 the City of San Angelo City Council voted to award and execute a contract with Republic Services of Texas LTD for Landfill Lease and Operation and Waste Collection Services.

Please provide a complete copy of the proposal from Republic Services of Texas LTD submitted to the City of San Angelo's solicitation for Landfill Lease and Operation and Waste Collection Services. Responsive information shall include a complete copy of the RFP response, including all narratives, forms, worksheets and other required submittals of the solicitation.

Please contact me at your earliest convenience should you need clarification of this open records request, or need to arrangement payment for reproduction of the responsive information. I may be reached at (512) 619-9422.

Thank you,



Ryan Hobbs
P.O. Box 17126
Austin, Texas 78760-7126

Ryan Hobbs

From: Ramirez, Alicia <Alicia.Ramirez@cosatx.us>
Sent: Wednesday, October 08, 2014 4:33 PM
To: Ryan Hobbs
Subject: RE: AG letter / ruling on release of documents

Thank you.

-----Original Message-----

From: Ryan Hobbs [mailto:rhobbs@texasdisposal.com]
Sent: Wednesday, October 08, 2014 4:32 PM
To: Ramirez, Alicia
Subject: RE: AG letter / ruling on release of documents

See attached.

-----Original Message-----

From: Ramirez, Alicia [mailto:Alicia.Ramirez@cosatx.us]
Sent: Wednesday, October 08, 2014 4:23 PM
To: Ryan Hobbs
Subject: RE: AG letter / ruling on release of documents

Ok, please forward method for us to track the payment.

-----Original Message-----

From: Ryan Hobbs [mailto:rhobbs@texasdisposal.com]
Sent: Wednesday, October 08, 2014 4:19 PM
To: Ramirez, Alicia
Subject: RE: AG letter / ruling on release of documents

I will send a representative by your office tomorrow to pick up the responsive information.
Ryan

-----Original Message-----

From: Ramirez, Alicia [mailto:Alicia.Ramirez@cosatx.us]
Sent: Wednesday, October 08, 2014 2:08 PM
To: Ryan Hobbs
Subject: RE: AG letter / ruling on release of documents

Ok, no problem. We also take credit cards as form of payment.

Thank you.

-----Original Message-----

From: Ryan Hobbs [mailto:rhobbs@texasdisposal.com]
Sent: Wednesday, October 08, 2014 1:45 PM
To: Ramirez, Alicia
Subject: RE: AG letter / ruling on release of documents

I've attached a copy of the check that will be sent with today's outgoing mail. I can send someone by your office tomorrow to pick up the information. I do not need your assistance with mailing it to me.

-----Original Message-----

From: Ramirez, Alicia [mailto:Alicia.Ramirez@cosatx.us]
Sent: Wednesday, October 08, 2014 11:45 AM
To: Ryan Hobbs
Subject: RE: AG letter / ruling on release of documents

Will someone pick up the information or should we mail it via UPS?

-----Original Message-----

From: Ryan Hobbs [mailto:rhobbs@texasdisposal.com]
Sent: Wednesday, October 08, 2014 10:12 AM
To: Ramirez, Alicia
Subject: RE: AG letter / ruling on release of documents

Ok. I need to have a check cut.
Ryan

-----Original Message-----

From: Ramirez, Alicia [mailto:Alicia.Ramirez@cosatx.us]
Sent: Tuesday, October 07, 2014 5:22 PM
To: Ryan Hobbs
Subject: RE: AG letter / ruling on release of documents

Mr. Hobbs,

The information is ready.

-----Original Message-----

From: Ramirez, Alicia
Sent: Tuesday, October 07, 2014 2:13 PM
To: 'Ryan Hobbs'
Subject: RE: AG letter / ruling on release of documents

Mr. Hobbs,

We will begin making the copies and the responsive information will be available by the end of business today.

-----Original Message-----

From: Ryan Hobbs [mailto:rhobbs@texasdisposal.com]
Sent: Tuesday, October 07, 2014 2:07 PM
To: Ramirez, Alicia
Subject: RE: AG letter / ruling on release of documents

Mrs. Ramirez,

I accept the estimated charges. Please proceed with reproducing the responsive information. Please also let me know when I can expect to receive the information.

Ryan Hobbs

-----Original Message-----

From: Ramirez, Alicia [mailto:Alicia.Ramirez@cosatx.us]
Sent: Tuesday, October 07, 2014 1:47 PM
To: Ryan Hobbs
Subject: RE: AG letter / ruling on release of documents

Good afternoon Mr. Hobbs,

I apologize for the late response; the redaction process took longer than anticipated.

Please find the attached letter.

-----Original Message-----

From: Ryan Hobbs [mailto:rhobbs@texasdisposal.com]
Sent: Monday, October 06, 2014 9:27 PM
To: Ramirez, Alicia
Subject: Re: AG letter / ruling on release of documents

Mrs. Ramirez,

Please let me know ASAP the status of this information. Per your email below, I was expecting it to be available today.
Ryan Hibbs

Sent from my iPhone

On Oct 2, 2014, at 11:47 AM, "Ramirez, Alicia" <Alicia.Ramirez@cosatx.us<mailto:Alicia.Ramirez@cosatx.us>> wrote:

Good morning Mr. Hobbs,

I checked with the City Attorney and we have received the information but not the letter. I forwarded the letter you sent to me. We are working on the response and redacting information. We will have the project completed after noon on Monday, 10/8.

From: Ryan Hobbs [mailto:rhobbs@texasdisposal.com]
Sent: Thursday, October 02, 2014 11:39 AM
To: Ramirez, Alicia
Subject: RE: AG letter / ruling on release of documents

Second Request

Mrs. Ramirez,

Please see the attached letter/ruling from the Texas Attorney General. Please let me know when I can expect to receive the remaining responsive information requested in my July 8, 2014 PIR to the City of San Angelo.

Thanks,
Ryan Hobbs

From: Ryan Hobbs
Sent: Tuesday, September 30, 2014 9:00 AM
To: 'alicia.ramirez@cosatx.us<mailto:alicia.ramirez@cosatx.us>'

Subject: AG letter / ruling on release of documents

Mrs. Ramirez,

Please see the attached letter/ruling from the Texas Attorney General. Please let me know when I can expect to receive the remaining responsive information requested in my July 8, 2014 PIR to the City of San Angelo.

Thanks,

Ryan Hobbs

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and may constitute attorney work product or be exempt from disclosure under one or more of the following sections of the Texas Public Information Act: SECS. 552.101, 552.103 or 552.107. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

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ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

SEP 16 2014

September 15, 2014

Ms. Lysia H. Bowling
City Attorney
City of San Angelo
72 West College Avenue
San Angelo, Texas 76903

OR2014-16254

Dear Ms. Bowling:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 536458.

The City of San Angelo (the "city") received a request for a copy of a specified proposal submitted in response to request for proposals No: OP-01-14. Although you take no position as to whether the requested information is excepted under the Act, you state release of this information may implicate the proprietary interest of Republic Services of Texas LTD ("Republic"). Accordingly, you state you notified Republic of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from Republic explaining why the submitted information should not be released. Therefore, we have no basis to conclude the third party has a protected proprietary interest in the submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent

disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, the city may not withhold the submitted information on the basis of any proprietary interest Republic may have in the information.

Section 552.136 of the Government Code provides, “[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.”¹ Gov’t Code § 552.136(b); *see id.* § 552.136(a) (defining “access device”). This office has determined insurance policy numbers are access device numbers for purposes of section 552.136. *See* Open Records Decision No. 684 at 9 (2009). Upon review, the city must withhold the insurance policy numbers we marked under section 552.136 of the Government Code.

We note some of the remaining information may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; *see* Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit.

In summary, the city must withhold the insurance policy numbers we marked under section 552.136 of the Government Code. The city must release the remaining information; however, any information protected by copyright may only be released in accordance with copyright law.

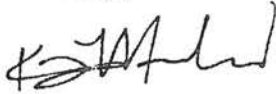
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kenny Moreland
Assistant Attorney General
Open Records Division

KJM/ds

Ref: ID# 536458

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Kenneth Ramzinski
Republic Waste Services of Texas, LTD
1422 Hughes Street
San Angelo, Texas 76903
(w/o enclosures)

D7S



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT
POST OFFICE BOX 12548
AUSTIN TEXAS 78711-2548

Return Service Requested
MC-014

RYAN HOBBS
PO BOX 17126
AUSTIN TX 78610

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