

Terry E. Baiamonte
Rockport City Attorney
622 E. Market St.
Rockport, TX 78382

October 18, 2017

Ms. Kristen Barnebey
Aransas County District Attorney
301 N. Live Oak St.
Rockport, TX 78382

RE: Your Records Request dated Sept. 23, 2017 and Oct. 5, 2017
Entity: City of Rockport, Texas (hereinafter, the "City")

Dear Ms. Barnebey:

On or about September 23, 2017, the City received a public information request from you for:

...a copy of Chad Brooks, Larry Sinclair and Tim Jayroe's personnel files including employment related and non-employment related documents and we agree to the redacting of all personal information. Also, please provide all use of force reports for Chad Brooks.

On or about October 5, 2017, the City received another request from you, requesting:

1. *A copy of all RPD officers' disciplinary actions or adverse actions taken against the officer in possession of the City of Rockport;*
2. *Chad Brooks' personnel file including all disciplinary actions;*
3. *All Use of Force Reports for the years 2015-2017;*
4. *RPD's current Policy and Procedure manual; and*
5. *A Statement regarding who provided the City's permission to release the body cam video of Chad Brooks being prepared for trial including when that was provided and how.*

You state that you are requesting this information in your official capacity as the District Attorney for Aransas County, another governmental entity.

The Attorney General has determined that the Public Information Act does not control the right of access by a member of a governmental body to information in that governmental body's possession.¹ Therefore, the transfer of information between governmental bodies, such as the county

¹ See Tex. Att'y Gen. Op. JM-119 at 2 (1983).

April 20, 2016

Page 2

and city, is not a release to the public for purposes of the Public Information Act.² Consequently, the Attorney General has concluded that information may be transferred between governmental bodies that are subject to the Texas Public Information Act without waiving exceptions to the public disclosure of that information or affecting its confidentiality.³

Accordingly, because you have indicated that you are an authorized official for Aransas County, the City will make the records you have requested available for your review. This release of information should not be considered a voluntary disclosure to the public or a selective disclosure of information as prohibited by the Public Information.⁴ The City's release of this information to you does not affect its confidentiality. If a member of the public requests from Aransas County the information that is the subject of this transfer the request should be immediately forwarded to the City so that the City can assert any applicable arguments against release to the public to the Attorney General.

If this arrangement, and these terms, are acceptable please confirm in writing.

I anticipate having some documents available for you either Thursday afternoon or Friday.

If you have any questions, please feel free to call me at my office at 361-935-2322 or by email at cityattorney@cityofrockport.com.

Sincerely,

Terry E. Baiamonte
Rockport City Attorney

² See Tex. Att'y Gen. Op. JM-1235 (1990).

³ See Tex. Att'y Gen. Op. JM-590 (1986); Tex. Att'y Gen. ORD-655 (1997); Tex. Att'y Gen. ORD-567 (1990); Tex. Att'y Gen. ORD-561 (1990); Tex. Att'y Gen. ORD-516 (1989).

⁴ See Tex. Gov. Code § 552.007(b) (stating that public information voluntarily made public must be made available to any person who requests the information).