

RESOLUTION NO. 10141

A RESOLUTION ESTABLISHING PROCEDURES AND A FEE SCHEDULE FOR COPIES AND RESEARCH OF PUBLIC RECORDS

WHEREAS, members of the public and organizations often request copies of public records; and

WHEREAS, government records may be available for inspection and copying by the requesting person pursuant to Article II, Section 9 of the Montana Constitution, and Mont. Code Ann. § 2-6-1006; and

WHEREAS, the costs in providing these services include paper, copier supplies, maintenance expenses, and staff time; and

WHEREAS, to meet the demands of public record requests, the City Commission adopted Resolution 9913, “A Resolution Establishing Procedures and a Fee Schedule for Copies and Research of Public Records” on January 18, 2011. Fees have not been adjusted since that time; and

WHEREAS, the 2015 Montana Legislature completely rewrote Montana’s public record statutes. The Legislature enacted HB 123, which repealed Montana’s long standing public records statutes and replaced them with an entirely new set of laws that went into effect on October 1, 2015; and

WHEREAS, to ensure the continued efficient and effective management of public record requests, it is deemed necessary and appropriate to adjust fees associated therewith consistent with the intent and in accordance with the new public records laws.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Great Falls, Montana, that the following procedures and fees be applied in all City departments in responding to requests for public records, except for Municipal Court, City Attorney’s Office and Great Falls Fire Rescue, that have established processes and fees:

Procedures:	
1.	All non-routine public record requests shall be made through the City Clerk’s Office.
2.	Request for Public Records Forms are to be completed for any non-routine public records (material prepared in the regular course of City business not prepared for mass distribution) that are pulled, gathered and/or compiled for inspection and/or copying. The form serves three functions: (1) to give the City a comprehensive understanding of the types of records being requested; (2) to be able to contact a requester if a request cannot be responded to in a timely manner; and, (3) to provide a receipt for monies collected.
3.	Records will be provided in the form it exists, allowing the requester to inspect the records and compile data in their own format. The City is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting

	person.
4.	Any request which does not refer to an “identifiable” public record shall not be processed until the requester provides further information.
5.	To maintain the integrity and security of City records staff may need to supervise the requester’s examination of public records.
6.	The City Clerk’s Office shall be the office of record for completed “Request for Public Records” forms.
7.	Should it be determined to deny a Request for Public Records and not release information or records, in whole or in part, a written explanation shall be provided to the requester for the denial.

Fees/Charges:		
1.	Photocopy charge	\$0.25/page
2.	In addition to the photocopy charge set forth above, an hourly fee will be charged for each hour, or fraction of an hour after 30 minutes of copying/research to fulfill the request (including electronic/non-print records) Requester shall be provided an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered.	The fee may not exceed the <u>actual costs</u> directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information.
3.	Copies of records on Digital Media (for example: CD, DVD, Flash Drive)	\$5.00/each
4.	Requests from other cities/towns	No Charge
5.	Requests from other governmental agencies	Reciprocal Basis
6.	To maintain the integrity and security of City records, an hourly fee will be charged for each hour, or fraction of an hour after 30 minutes, for City staff supervision of requester’s inspection of public records.	The fee may not exceed the <u>actual costs</u> directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information.
7.	Certified Copies of Public Records	\$2.00/document

BE IT FURTHER RESOLVED by the City Commission of the City of Great Falls, Montana, that Resolution No. 9913 is hereby repealed.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 21st day of June, 2016.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney