



Item: Resolution No. 10065, Revising Fee Schedule for Information Requests to the City Attorney's Office, Superseding Resolution 9503

From: City Attorney

Initiated By: City Attorney

Presented By: Sara R. Sexe, City Attorney

Action Requested: Conduct Public Hearing and adopt Resolution 10065.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (adopt/deny) Resolution 10065."

2. Mayor calls for a second, discussion, and calls for the vote.
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Staff Recommendation: Staff recommends that the City Commission adopt Resolution 10065.

Background: The City Commission adopted Resolution 9503 on June 21, 2005, and set forth various fees for City Attorney's office services in responding to document and information requests from third parties, including individuals, attorneys, and insurers. Because of technological changes in forms of producing such documents or items, certain terminology (such as references to video tape and floppy disks) in Resolution 9503 has become outdated. Resolution 10065 updates the language and includes language which allows for future technological changes. Further, Resolution 9503 referred to specific Montana law identifying confidential criminal justice information under Mont. Code Ann. Section 44-5-103, and requests for information from the City Attorney's office involve other types of information, including confidential accident reports under Mont. Code Ann. Section 61-7-114, which may not fit within the definition of confidential criminal justice information. The proposed resolution clarifies that

Montana law, including the statutes listed above applies to the requests. Finally, the Resolution allows for exceptions from the fees for indigent persons or governmental entities, on a reciprocal basis.

Fiscal Impact: There are no requested changes to the amount of the fees for the duplication services previously set forth in Resolution 9503, and therefore there is no fiscal impact to the City or the public.

Alternatives: Rejecting Resolution 10065 will leave in outdated language from Resolution 9503 and not make consideration for charges for other requests for information outside of confidential criminal justice information.

Attachments/Exhibits:

Resolution 10065

Resolution 9503

RESOLUTION NO. 10065

**A RESOLUTION REVISING FEE SCHEDULE FOR
INFORMATION REQUESTS TO THE CITY ATTORNEY'S
OFFICE, SUPERSEDING RESOLUTION 9503**

WHEREAS, the Great Falls City Commission adopted 9503 on June 21, 2005, setting forth fees for services provided by the City Attorney's office regarding requests from third parties for documents or other information received by the City Attorney's office; and

WHEREAS, because of technological changes in forms of producing such documents or items, certain terminology in Resolution 9503 has become outdated; and

WHEREAS, the City Commission desires to clarify that the City Attorney's office should respond to any information requests to the City Attorney's office, in compliance with Montana law, including but not limited to Mont. Code Ann. Sections 44-5-103 (defining confidential criminal justice information) and 61-7-114 (defining confidential accident reports); and

WHEREAS, the City Attorney's office has developed a procedure allowing duplication of information without charge for requests from other law enforcement or governmental entities on a reciprocal basis, or indigent persons.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
THE CITY OF GREAT FALLS, MONTANA:**

- 1) Resolution 9503 is superseded by these terms.
- 2) The City Attorney's office fees relating to information requests and the production of documents or other items, is set forth as follows:

ADMINISTRATIVE FEE:	\$15.00 per request
PHOTOCOPYING FEE:	\$0.50 per page
DUPLICATION OF VIDEO/AUDIO/DIGITAL RECORDINGS:	\$15.00 per CD or other format
DUPLICATION OF PHOTOGRAPHS:	\$10.00 per sheet, CD or other format

- 3) These fees shall become effective upon adoption, subject to the limitations set forth herein. The City Attorney's office shall provide a copy of this Resolution to those persons or entities who regularly request such documents or items.

PASSED AND ADOPTED by the City Commission of the City of Great Falls,
Montana, April 1, 2014.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

RESOLUTION NO. 9503

A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR
CASE REPORT REQUESTS IN THE
CITY ATTORNEY'S OFFICE

WHEREAS, the City Commission has set forth fees for various services provided by City Staff; and

WHEREAS, the City Attorney's Office has taken over the release of case reports from the records section of the police department due to issues relating to the confidential criminal justice act and the requirement that reports be reviewed prior to release; and

WHEREAS, the City Attorney's Office has requested the Commission set a fee schedule to cover the costs of preparing and delivering the requested reports; and

WHEREAS, the legislature has previously adopted Montana Code Annotated 50-16-540 which sets forth reasonable fees that may be charged for providing health care information as \$15.00 for administrative fees and 50 cents for each page for a paper copy or photo copy; and

WHEREAS, the City Attorney's Office indicates these fees are in line with the costs of searching, preparing and delivering case reports to individuals and entities that make request;

WHEREAS, the legislature has determined the fees outlined above are reasonable; and

WHEREAS, the City Attorney's Office shall develop a written procedure allowing access and providing case reports for the indigent without charge; and

WHEREAS, these fees specified herein shall only apply to case reports or other documents requested from the City Attorney's Office that fall under the "Montana Criminal Justice Information Act of 1979" as enacted in Montana Code Annotated Title 44, Chapter 5 and specifically to the documents defined as "confidential criminal justice information" by MCA § 44-5-103(3).

NOW THEREFORE BE IT RESOLVED AND ORDERED by the City Commission of the City of Great Falls that the City Attorney's Office charge the following fees relating to the delivery of case reports;

ADMINISTRATIVE FEE:	\$15.00
PHOTOCOPYING FEE:	\$ 0.50 per page
VIDEO TAPE DUPLICATION	\$10.00 (If party brings in a blank tape)
	\$15.00 (If party does not provide a tape)
PHOTOS RELATED TO CR	\$10.00 per page
	\$10.00 for all photos saved onto floppy disk(s)

These fees shall be in force immediately upon adoption. The City Attorney's Office shall provide a copy of this resolution to those who regularly request case reports.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana on this 21st day of June, 2005.

Randall H. Gray, Mayor

ATTEST:

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9503 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 21st day of June, 2005, and approved by the Mayor of said City on the 21st day of June, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 21st day of June, 2005.

Peggy Bourne, City Clerk

(SEAL OF CITY)