



Item: Resolution 10133, Establishing Municipal Court Fees Relating to Information Requests

From: Jo Griner, Court Supervisor

Presented By: Steve Bolstad, Municipal Court Judge

Action Requested: Conduct public hearing and adopt Resolution 10133

Public Hearing:

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

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10133, Establishing Municipal Court Fees Relating to Information Requests.”

2. Mayor requests a second to the motion, Commission discussion, and the calls for the vote.
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Staff Recommendation: Conduct a public hearing and adopt Resolution 10133, Establishing Municipal Court Fees Relating to Information Requests.

Background: Adoption of this Resolution will set a standard fee schedule for Municipal Court services and costs in responding to information and records requests from individuals, attorneys and outside organizations. There is an implied cost to provide these services which requires Court staff time to conduct the research and gather documents. Costs include staff time, paper, copier supplies and maintenance expenses. State law authorizes the City to charge for these fees. The fees are consistent with what the Municipal Court has been charging in the past, as well as what is being charged by other Montana Municipal Courts.

	<u>Current Fees</u>	<u>Proposed Fees</u>
Photocopy Charge	\$1/page	\$1/page
Certified Copies	\$2/document	\$2/document
CD Recordings	\$25/CD	\$15/CD
Name Search		\$10/search

	<u>Current Fees</u>	<u>Proposed Fees</u>
Other Governmental Agencies	No Charge/Reciprocal Basis	No Charge/Reciprocal Basis
In addition to the photocopy charges 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 a request (including electronic/non-print records)		\$15/hr

Adoption of the Resolution will further standardize the records request process and require that requests be submitted on a form provided by Municipal Court.

Concurrences: At its March 15, 2016, meeting, the City Commission set a public hearing on Resolution 10133 for April 5, 2016. The proposed fees are in alignment with other Montana Municipal Courts.

Alternatives: The Commission could choose not to adopt Resolution 10133 and not formally adopt fees for Municipal Court.

Attachments/Exhibits: Resolution 10133

RESOLUTION NO. 10133

**A RESOLUTION ESTABLISHING MUNICIPAL COURT FEES
RELATING TO INFORMATION REQUESTS**

WHEREAS, Municipal Court records are maintained pursuant to the Montana Local Government Retention Schedule #10; and

WHEREAS, members of the public and organizations often request copies of court records and information from the Municipal Court; and

WHEREAS, most records of the Municipal Court are public record and may be inspected and copies requested pursuant to Article II, Section 9 of the Montana Constitution, and Mont. Code Ann. §§ 7-1-4144 and 44-5-301 et seq.; and

WHEREAS, Mont. Code Ann. § 7-6-4013 empowers municipalities to impose a fee for the provision of a service; and

WHEREAS, the costs in providing these services include, but are not limited to, staff time, paper, copier supplies and maintenance costs.

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

1. Requests for public court records shall be made in writing on a form provided by Municipal Court.

2. Municipal Court Fees are established as follows:

1	Photocopy Charge	\$1.00/page
2	Certified Copies	\$2.00/document
3	CD Recordings	\$15.00/CD
4	Name Search	\$10/per search
5	Other Governmental Agencies	No Charge/Reciprocal Basis
6	In addition to the photocopy charges 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 a request (including electronic/non-print records)	\$15/hour

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
this 5th day of April, 2016.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney