

RESOLUTION NO. 1884

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS SETTING A FEE SCHEDULE FOR COPIES AND RESEARCH OF PUBLIC RECORDS AND ESTABLISHING PROCEDURES FOR REQUESTING PUBLIC RECORDS FROM THE CITY OF COLUMBIA FALLS

WHEREAS, Section 7-1-4144 Montana Code Annotated (MCA) ensures that all people are allowed access to appropriate public records consistent with the provisions of the Montana Constitution while allowing for the governing body to impose reasonable fees for copies of accessible records; and

WHEREAS, Section 2-6-110 Montana Code Annotated ensures that the access to public records ensured by the Montana Constitution and Section 7-1-4144, MCA is extended to electronic information and that fees may be charged to cover direct expenses with procuring or transferring the electronic information; and

WHEREAS, Subsection 7-1-4123 (7), MCA empowers municipalities to impose a special assessment reasonably related to the cost of any special service or special benefit provided by the municipality or impose a fee for the provision of a service; and

WHEREAS, The City will regularly review its fee schedule and make adjustments when necessary to ensure the fees are nondiscriminatory, equitable and reasonable.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Columbia Falls, Montana, that the following guidelines shall constitute the policy for the City of Columbia Falls, to be followed in responding to requests for public records and setting the fee schedule listed herein is hereby adopted and shall be applied:

1. All requests for public records shall be subject to this policy.
2. Request forms are to be completed for all public information records that are pulled for review or copying. This form serves three functions: (1) to give the City a comprehensive understanding of the types of information being requested with an eye toward making it available on the internet or adding it to a list of routine public records requests for which fees are not charged; and (2) to be able to contact the requestor if a request cannot be filled right away; and (3) to provide for an efficient and effective response for public records.
3. The City Clerk's office shall be the Office of Record for completed Records Request Forms. All request forms shall be filed in the City Clerk's office.
4. It should be noted on the form what documents/files were reviewed or copied and the charges, if any, that were charged.
5. Once a request for records has been received, it will be responded to in a timely fashion, but no later than ten (10) business days. The City will respond to any request to inspect records with an effort to allow viewing at the time of request with City staff available to monitor.
6. Blank request forms will be available on the City website as well in all offices to avoid sending citizens between offices.
7. No new document or record will be created to respond to a records request. Applicable records may be made available for requester to compile his/her own data.
8. Any request which does not refer to an "identifiable" public record shall not be processed until the requester provides further information. It shall be the responsibility of the department responsible for providing the information to notify the requester that further information is required before the request can be processed.
9. Staff shall make copies of City records during normal office hours. For security reasons and to avoid unreasonable disruption of operations, copying facilities will not be available for use by the public.

10. If a department is unsure as to whether the information can be released to the public because of potential privacy concerns, the City Attorney's office will be consulted.

11. Fees for services shall be as follows:

- a) Charges for paper copies of non-routine public records shall be charged at the rate of \$0.50/page for material that can be found and copied in 15 minutes or less and any out-of-pocket expenses directly associated with the request.

Items that take over 15 minutes to locate and copy shall be charged the hourly employee rate at the time of the request for the Columbia Falls City employee fulfilling the request.

- b) Requests that are subject to the "per hour rate" shall also be charged at the rate of \$0.25/page for costs associated with copying materials and any other out-of-pocket expenses directly associated with the request.
- c) Fees for published and/or documents prepared by commercial print shops will be based on the actual fee charged by the print shop.
- d) The City will establish fees for specific records such as maps, plats, audio and video recordings, etc. Such fee schedule shall be reviewed and approved by Resolution as needed.
- e) Copies of records provided in electronic format will be charged as follows:
1. the City's actual cost per unit of the electronic media used to provide the public record. For security purposes, the City will provide all blank media or the requestor may provide an unopened, unused device if approved by City staff.
 2. the hourly rate at the time of the request for the Columbia Falls City employee for each hour, or fraction of an hour, after fifteen minutes of service has been provided.
 3. out-of-pocket expenses directly associated with the request; and
 4. the hourly rate at the time of the request for the Columbia Falls City employee for each hour, or fraction of an hour, after fifteen minutes of service has been provided.
- f) Records provided to other governmental agencies may be provided on a "reciprocal" basis at the discretion of the City Manager or department head responsible for the record:
- g) Payment for charges must be received before delivery of the records to the requester. The City Clerk may make accommodations for payment by entities frequently requesting records.
- h) The City will determine on a case-by-case basis whether an employee must be present to observe and supervise the examination of documents and whether documents can be removed from their official storage location. Where it is necessary to maintain the integrity and security of City records, a fee as determined by the hourly rate at the time of the request for a Columbia Falls City employee will be charged for the City's supervision of the search and examination and copying of public records.
- i) The City Manager may waive fees or reduce fees upon demonstration by the requestor that payment of the fees required under this Resolution will result in undue hardship.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, THIS 19th DAY OF SEPTEMBER, 2022. THE COUNCIL VOTING AS FOLLOWS:

AYES: Fisher, Lovering, Piper, Robinson, Shepard and Barnhart.

NOES: None

ABSENT: None

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 19th DAY OF SEPTEMBER, 2022.

Mayor

ATTEST:

City Clerk

